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CHAPTER 6 ENVIRONMENTAL PROCEDURES

6.1 INTRODUCTION

One of the most important phases of the project development process is full and early compliance with the provisions of the National Environmental Policy Act (NEPA) and the implementing regulations thereto. Local agencies may not proceed with the final design, right of way acquisition, or construction phases of a project until full compliance with the provisions of the NEPA have been documented and approved by the Federal Highway Administration (FHWA). Failure to follow this requirement will make the project ineligible for FHWA reimbursement.

The environmental procedures contained in this manual pertain exclusively to Federal-aid local assistance projects off the State highway, and may not adequately address the environmental requirements for local agency projects on State highways, or transit projects administered by the Federal Transit Administration (FTA). Refer to the Caltrans *Environmental Handbook* for guidance on preparing environmental documents for local agency projects on State highways and refer to the FTA *Procedures and Technical Methods for Transit Project Planning* for transit projects.

This chapter provides an overview of the NEPA process and the other Federal environmentally-related processes that must be completed prior to receiving Federal-aid.

Since the majority of Federal-aid local assistance projects qualify for Categorical Exclusion (CE) from the provisions of NEPA, this chapter is limited to preliminary environmental studies, completion of the Preliminary Environmental Study (PES) form, and processing of a CE.

Local agencies should refer to the *Local Programs Manual*, Volume III for detailed instructions on preparing and processing environmental documents in support of projects that do not qualify for a CE.

AUTHORITY

The **National Environmental Policy Act (NEPA)** and its supporting Federal regulations establish certain requirements that must be adhered to for any project “...financed assisted, conducted or approved by a Federal agency...” In short, Federal regulations require that a Federal agency “...determine whether the proposed action may significantly affect the quality of the human environment.” Brief summaries of relevant Federal statutes are provided below:

- The National Environmental Policy Act of 1969, as amended, is the basic national charter for protection of the environment. It establishes policy, sets goals (Section 101(b)) and provide a means (Section 102) for carrying out the policy. Section 102 (2) of the Act contains “action-forcing” provisions to ensure Federal agencies act according to the letter and spirit of the Act. (Refer to the *Local Programs Manual*, Volume III, Appendix E for a copy of the NEPA).

- On November 29, 1978, the Council of Environmental Quality (CEQ) issued 40 CFR Part 1500, “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act,” specifying Federal agency actions required to comply with the procedures and achieve the goals of the Act (refer to the *Local Programs Manual*, Volume III, Appendix E for a copy of 40 CFR 1500).
- In response to the CEQ regulation the U.S. Department of Transportation (U.S. DOT) issued the U.S. DOT Order 5610.1C, effective September 18, 1979, establishing the general procedures and requirements for consideration of environmental impacts by agencies within the U.S. DOT.
- The CEQ regulation and the DOT order require agencies such as the Federal Highway Administration (FHWA) to develop supplementary implementing procedures to fully integrate the agency’s program with the CEQ regulation and the DOT order. The FHWA developed 23 CFR 771 to establish the specific NEPA requirement that must be followed by the FHWA and by applicants for grants, permits, and other actions (refer to *Local Programs Manual*, Volume III, Appendix A for a copy of 23 CFR 771).
- On October 30, 1987 the FHWA issued guidance (FHWA Technical Advisory T6640.8A) on the preparation and processing of environmental and Section 4(f) documents.

ROLES AND RESPONSIBILITIES

LOCAL AGENCY

- Conducts preliminary research and most coordination with resource agencies and provides documentation of the results as necessary to accurately respond to the questions on the “Preliminary Environmental Study (PES) Form” (Exhibit 6-A).
- Is responsible for the format and content of its environmental documents for compliance with NEPA, as well as other Federal environmentally-related processes (as discussed in this chapter and in the *Local Programs Manual*, Volume III) and the California Environmental Quality Act (CEQA).
- Is responsible for maintaining copies of environmental documents and supporting documentation for a period of three (3) years following FHWA reimbursement for final project costs. When mitigation is required, environmental documentation shall be maintained until all required mitigation has been fully implemented.

CALTRANS

- District Local Assistance Engineer (DLAE) reviews, and indicates concurrence with the determination of the local agency’s preliminary environmental studies by signing the PES form.
- DLAE obtains Caltrans environmental specialist’s signature on the PES form for all projects requiring a regular (i.e., not a Programmatic) Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement.

- DLAE reviews technical reports in support of Programmatic CE's and determines whether Programmatic Categorical Exclusion applies.
- DLAE monitors local EISs, EAs and regular CEs currently being processed for projects that have run into difficulty. When it would be productive to discuss these projects in headquarters, the DLAE notifies the Office of Local Programs (OLP).
- DLAE is the focal point of coordination with FHWA for involvement in field reviews, early coordination meetings, and scoping and technical assistance.
- DLAE transmits all correspondence and documentation between the local agency and the FHWA.
- DLAE maintains a log of the projects processed with a Programmatic Categorical Exclusion, and provides an annual list of those projects to the FHWA Transportation Engineer at the close of each Federal fiscal year.
- DLAE maintains the record of environmental documents for tracking compliance, and provides training.
- When requested, district staff attend early coordination meeting for CEs, insofar as possible. District staff will also attend when probable NEPA class of action is an EA or EISs.
- District environmental staff will review and indicate concurrence with the conclusions of the local agency's preliminary environmental studies by signing the PES form for all projects requiring a regular (i.e., not a Programmatic) Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement.
- District and headquarters environmental provide expertise as needed.
- Office of Local Programs (OLP) maintains and updates the procedural guidance provided in this chapter and the *Local Programs Manual*, Volume III, and provides training.
- OLP performs process reviews to assess compliance with FHWA requirements.
- OLP assists with and/or coordinates the resolution of issues that can not be resolved in the district.

FHWA

- Is responsible for compliance with the National Environmental Policy Act (NEPA).
- When requested, attends early coordination meeting for CEs, insofar as possible. FHWA will also attend when probable NEPA class of action is an EA or EISs.
- Reviews and signs the PES form for regular (not programmatic) CEs, EAs, and EISs.
- Reviews and comments on the adequacy of required technical reports and environmental documents (CEs, EAs, and EISs).

- Consults with State and Federal agencies as required under regulation or interagency agreement.
- Makes appropriate findings and determinations required by law, regulation or Executive Order.
- Provides guidance, technical assistance, and interpretation of Federal policy and requirements.

OTHER STATE AND FEDERAL RESPONSIBLE AND REGULATORY AGENCIES

- Determine whether the local agency action complies with the provisions of law germane to their statutory responsibility.

APPLICABILITY

Any local assistance project, "...financed, assisted, conducted or approved by a Federal agency..." (i.e., FHWA), is subject to NEPA (40 CFR 1508.18(a)). In cases where only a phase or segment of a local agency project is financed with Federal funds, FHWA will be consulted to determine the scope of the FHWA responsibility under NEPA. The scope of NEPA responsibility is not determined based on funding alone.

SCIENTIFIC AND COMMERCIAL DATA

NEPA requires that environmental information be "... of high quality based on accurate scientific analysis and expert agency comment" (40 CFR 1500.1(b)). Local agencies shall document all sources of information and methodologies used in the researching and surveying of environmental resources. Current informational sources are cited in Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Study (PES) Form."

6.2 AN OVERVIEW OF THE ENVIRONMENTAL PROCESS

This section discusses NEPA and the three levels of documentation possible to achieve compliance with the requirements of NEPA. An overview of other applicable Federal environmental requirements, interagency agreements, Memorandum of Understandings (intended to expedite compliance with NEPA and the other Federal environmental requirements), and general guidance on integrating NEPA and CEQA are also provided.

NEPA

The NEPA process is guided by the National Environmental Policy Act and its implementing regulations, 23 CFR 771.117 (see Section 6-1, "Authority"). The process helps determine the appropriate class of action (EIS, an EA, or a CE).

Other Federal environmentally related processes are intended to protect a specific element of the environment. These include, but are not limited to, Section 4(f) (Protection of Publicly Owned Park, Recreation Area, Wildlife or Waterfowl Refuge or Land from Historic Sites), Section 106 (Protection of Cultural Resources & Historic Properties), Section 7 (Protection of Endangered Species), Presidential E.O. 11990 (Protection of Wetlands), and Presidential E.O. 11998 (Protection of Floodplains).

Federal actions must comply with the requirements of the above processes. The NEPA document is a summary of the findings made and conclusions reached during the environmental analysis of a proposal. Therefore, when the elements of other Federal environmentally-related processes are involved, it is expected that these processes are completed prior to completion of the NEPA process.

CATEGORICAL EXCLUSIONS

Categorical Exclusions (CEs) are actions which meet the definition contained in 40 CFR 1508.4 and, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which: do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historical or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise (either individually or cumulatively) have any significant environmental impacts (23 CFR 771.117(a)).

Any action which normally would be classified as a CE but could involve unusual circumstances will require the FHWA, in cooperation with the local agency, to conduct appropriate environmental studies to determine if the CE classification is proper (23 CFR 771.117(b)). Such unusual circumstances include:

- Significant environmental impacts
- Substantial controversy on environmental grounds
- Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act
- Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action

A list of actions meeting the criteria for a CE in accordance with 40 CFR 1508.4 and 23 CFR 771.117(a), and normally not requiring any further NEPA approvals by FHWA, are provided as Exhibit 6-L.

A list of additional actions meeting the criteria for a CE in accordance with 40 CFR 1508.4 and 23 CFR 771.117(a) may be designated as CEs only after FHWA approval. The local agency shall submit documentation which demonstrates that the criteria for these CEs have been satisfied and that significant environmental effects will not result (23 CFR 771.117(d)). Examples of such actions are provided as Exhibit 6-M.

When environmental documentation supports the conclusion that no significant environmental impacts will occur as a result of the project, a Categorical Exclusion is prepared and processed. Any recommendation by a local agency that a project is a Categorical Exclusion must be approved by the FHWA, unless the DLAE determines that the project meets the conditions of any FHWA approved Programmatic Categorical Exclusion.

Refer to the *Local Programs Manual*, Volume III, Chapter 2 for details on preparing and processing Categorical Exclusions.

On September 7, 1990, FHWA approved a **Programmatic Categorical Exclusion** for all actions that meet the criteria for a CE under 23 CFR 771.117(a) and that qualify for a Categorical Exclusion under 23 CFR 771.117(d). The Project must meet the conditions in Exhibit 6-I, "Programmatic Categorical Exclusion." This exhibit provides for Caltrans' DLAE determination that conditions of the Programmatic Categorical Exclusion have been met, and may reduce the amount of time required for NEPA compliance (refer to Section 6.4 "Programmatic Categorical Exclusion" for more information).

ENVIRONMENTAL ASSESSMENT

Environmental Assessment (EA) is an analysis of the impacts of a project and is used to determine if the project will have significant environmental impacts. When a project cannot be designated as a Categorical Exclusion by the FHWA, and yet it does not clearly require preparation of an EIS, preparation of an EA will assist in determining the need for an EIS.

The requirement to prepare an Environmental Assessment may come about through one or more of the following situations:

- Following preliminary environmental studies, when all answers under Sections A and B (except for #10) of the "Preliminary Environmental Study (PES) Form" (Exhibit 6-A) cannot be answered "NO," the FHWA may determine, during the early coordination meeting that an Environmental Assessment is the appropriate level of environmental analysis required. This decision would be based on information gathered during preliminary environmental studies where it is clear that the proposed project would not qualify for a Categorical Exclusion or where unusual circumstances are likely.
- During or upon completion of technical studies, when it becomes apparent that the proposed project would not qualify for a Categorical Exclusion or that unusual circumstances exist, the decision to proceed with technical studies on the assumption that the project will be processed with a Categorical Exclusion is made by the DLAE and the FHWA during the early coordination meeting.

The Environmental Assessment is basically a summary of the findings and conclusions of technical reports and the results of regulatory and resource agency coordination, and should accurately reflect the outcome of both. The information provided in the Environmental Assessment is the basis for determining whether the proposed project will have a significant impact on the environment.

If the proposal will not have a significant environmental impact, the local agency signs the document and submits the draft EA to the DLAE for concurrence and transmittal to the FHWA for approval and for public availability.

The DLAE and the district environmental staff review the document for completeness and sufficiency and decide whether to concur with the assessment based on the following criteria:

- The types and location of project and its potential effects
- "Complete and sufficient" submittals (complete technical reports, containing letters from resource and regulatory agencies and results of agency coordination and/or the results of FHWA review and consultation)
- Consultation with the FHWA Transportation Engineer

- Process reviews of local agency's prior performance
- Experience of local agency staff/consultants

Incomplete documentation will be returned to the project sponsor.

When complete and sufficient, the district environmental staff and the DLAE sign the draft EA cover sheet. The DLAE forwards the completed draft EA and supporting studies to the FHWA for review and approval for public availability.

Approval may be subject to revisions being made by the local agency prior to circulation. If the FHWA determines that deficiencies exist, the DLAE notifies the local agency. If in agreement with the scope and content, the FHWA Division Administrator signs the title page of the draft EA. The FHWA returns the signed title page and draft EA to the DLAE for transmittal to the local agency.

Environmental Assessments must be made available to the public by the local agency. The local agency initiates public circulation of the draft EA and, following public involvement, responds to comments as necessary and prepares the Final EA. When the Environmental Assessment does not identify any significant impacts, and no significant impacts are identified during the public availability phase, the local agency submits the record of public comments and responses and a request for a Finding of No Significant Impact (FONSI) to the DLAE for concurrence and transmittal to FHWA.

The FHWA is responsible for making the official "finding" that a proposed project will not significantly impact the environment. The FHWA-signed FONSI makes this "finding."

The DLAE notifies the local agency upon FHWA approval of the FONSI.

When the Environmental Assessment indicates that the project has the potential to result in a significant impact, an EIS must be prepared. An EA is not required when a decision has already been made to prepare an EIS.

Local agencies should refer to the *Local Programs Manual*, Volume III, Chapter 3 for details on preparing and processing Environmental Assessments.

Prior to submitting a "Request for Authorization" for new phases of work, the local agency will enter the appropriate coding and the date the FHWA signed the FONSI, under "Environmental Data." Refer to the *Local Assistance Procedures Manual*, Chapter 3, Exhibit 3-G, "Request for Authorization - Data Sheets," and Exhibit 3-H, "Request for Authorization - Application Instructions."

ENVIRONMENTAL IMPACT STATEMENT

An Environmental Impact Statement (EIS) is a full disclosure document and is the highest level of analysis required by NEPA.

The determination to prepare an EIS may result from one or more of the following situations:

- Based on information gathered during preliminary environmental studies, where it is clear that the proposed project will have significant impacts. The local agency indicates the potential for significance under Sections A and B of the “Preliminary Environmental Study (PES) Form” (Exhibit 6-A) and during the early coordination meeting the FHWA makes the determination that an Environmental Impact Statement is the appropriate level of environmental analysis required.
- Based on the outcome of additional studies where it becomes apparent that the proposed project will have a significant adverse impact on a particular element of the environment
- Based on the conclusions of the draft Environmental Assessment where the potential for “cumulative” significant adverse impacts are shown

When it is determined that a proposal may have a significant environmental impact, the local agency arranges for a preliminary meeting with the DLAE and the FHWA.

Local agencies should refer to the *Local Programs Manual*, Volume III, Chapter 4, Appendix G, “Guidance Material for the Preparation of Environmental Documents” (T6640.8), and the *Federal Highway Administration California Division Environmental Checklist “Final” Environmental Documents* (available from the DLAE) for details on preparing and processing Environmental Impact Statements.

Prior to submitting a Request for Authorization for new phases of work, the local agency enters the appropriate coding and date of the FHWA’s signature on the ROD under “Environmental Data.” Refer to the *Local Assistance Procedures Manual*, Chapter 3, Exhibit 3-G, “Request for Authorization - Data Sheets,” and Exhibit 3-H, “Request for Authorization - Application Instructions.”

OTHER FEDERAL ENVIRONMENTALLY-RELATED PROCESSES

Every action that has Federal involvement must comply with laws that protect particular elements of the environment. Although NEPA requirements have remained relatively unchanged over the years, environmentally-related processes have increased in number and importance.

The following is a summary of those Federal environmentally-related processes most commonly required on transportation projects. Refer to the U.S. Department of Transportation Federal Highway Administration *Summary of Environmental Legislation Affecting Transportation*, February 1996, for additional Federal environmentally-related laws and regulations.

Local agencies may be required to satisfy the requirements of one or more of the following Acts for any one of the three levels of environmental documentation (EIS, EA and CE). Compliance with the provisions of each Act must be fulfilled prior to finalizing NEPA documentation.

- **Section 4(f) - (Protection of Publicly Owned Park, Recreation Area, Wildlife or Waterfowl Refuge, or Land from Historic Sites)** - The 4(f) process was established in the U.S. Department of Transportation Act of 1966 to give certain protections to publicly owned public parks, recreational areas, wildlife and waterfowl refuges, and land from historic sites of national, state or local significance. Section 4(f) requires that the agency must show that there are no feasible or prudent alternatives to the use of these areas. If 4(f) land is required, all possible planning must be taken to minimize the impact (refer to *Local Programs Manual*, Volume III, Appendix D for details).
- **Section 106 - (Protection of Cultural Resources & Historic Properties)** - The National Historic Preservation Act of 1966 declares a National policy of historic preservation and encourages preservation. It established an Advisory Council on Historic Preservation (ACHP) and provided procedures (Section 106) for Federal agencies to follow if a proposal could affect a property that is included or eligible for inclusion in the National Register of Historic Places. The Advisory Council has developed procedures (36 CFR Part 800) that must be followed on any Federal project or action (refer to *Local Programs Manual*, Volume III, Appendix F for details).
- **Section 7 of the Endangered Species Act - (Protection of Endangered Species)** - The purposes of this act are to provide a means to conserve the ecosystems which the endangered species and the threatened species depend upon, and to provide a program for conservation of these species. The Endangered Species Act requires FHWA in consultation with, and with the assistance of, Fish and Wildlife Service and the National Fisheries Service to ensure that actions approved or funded by FHWA are not likely to jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of the critical habitat of such species. The FHWA procedures require that an investigation be made of each proposed action to determine if species are impacted (refer to *Local Programs Manual*, Volume III, Appendix I for details).
- **Presidential Executive Order 11990 - Protection of Wetlands** - Executive Order 11990 requires that when a construction project involves wetlands, a finding must be made that: 1) there is no practicable alternative to such construction; and 2) that the proposed action includes all practicable measures to minimize impacts to wetlands resulting from such use. The FHWA Division Administrator makes the finding required by Executive Order 11990 (refer to *Local Programs Manual*, Volume III, Appendix H for details).
- **Presidential Executive Order 11988 - Floodplain Management** - FHWA procedures require that a formal Floodplain Finding be prepared for Federal actions that involve significant encroachments in a floodplain to comply with Executive Order 11988, "Floodplain Management." The finding is added to the FONSI or FEIS as an exhibit titled "Floodplain Finding." The finding should be a summary of detailed discussions contained elsewhere in the environmental document (refer to *Local Programs Manual*, Volume III, Appendix J for details).

- **Presidential Executive Order 12898 - “Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations,”** issued on February 11, 1994, emphasizes the intent of Title VI of the Civil Rights Act of 1964. The Order requires Federal agencies to ensure that their programs, policies and activities do not have the effect of: 1) excluding persons and populations from participation; 2) denying persons and populations the benefits of Federal programs; or 3) subjecting persons and populations to discrimination because of race, color or national origin.

Identification of Environmental Justice impacts must be addressed in Environmental Impact Statements but may not be applicable for Categorical Exclusions or Environmental Assessments. When preparing an EIS, local agencies must consider the following: 1) Are there adverse effects? If no, not applicable; 2) Are minority or low-income communities adversely effected? If no, not applicable; or 3) If yes, after mitigation and betterment taken into account, is a minority or low-income community disproportionately high and adversely impacted?

- **Clean Air Act, as amended (42 U.S.C. 7401 et seq.)** - This Act requires that federally supported activities must conform to the State Implementation Plan (SIP), whose purpose is that of attaining and maintaining the National Ambient Air Quality Standards (NAAQS). Section 176(c) of the Clean Air Act as amended in 1990, established the criteria and procedures by which the FHWA (Title 23 U.S.C.), the FTA (58 FR 62188, November 24, 1993), and metropolitan planning organizations (MPOs) determine the conformity of federally funded or approved highway and transit plans, programs, and projects to SIPs. The provisions of 40

CFR Parts 51 and 93 (Final Rule effective September 15, 1997) shall apply in all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan.

The general procedures for demonstrating compliance with these Acts are provided below:

The local agency consults current databases, reviews relevant literature and maps, coordinates with appropriate resource and regulatory agencies (for information gathering purposes only), and determines whether compliance with any of the above Federal requirements is required.

The local agency develops an Area of Potential Effect (APE) map for Section 106 purposes, and other survey area maps as necessary to establish the study area and requests an early coordination meeting with the DLAE prior to commencing with any required study. The purpose of the early coordination meeting is to discuss the scope of the required technical study, the format and content of the technical report, and the procedures for processing the report for review and approval. **Note:** Early Coordination Meeting - Suggested Points for Discussion for the most commonly prepared technical reports are provided as Exhibits 6-O through 6-S. The DLAE schedules and attends the early coordination meeting. The DLAE invites FHWA and district environmental staff. The early coordination meeting also provides an opportunity for the local agency to obtain FHWA’s approval of an Area of Potential Effect (APE) map for Section 106 studies.

The local agency completes the required technical study, prepares the technical report, and submits the appropriate number of copies of the report to the DLAE for review and processing. **Note:** Local agencies should refer to Exhibits 6-T through 6-AA for the general content requirements of technical reports and should utilize the *Federal Highway Administration California Division Environmental Checklist "Draft" Environmental Documents* (available from the DLAE) as a tool to develop an adequate document appropriate with the scope of work and potential for environmental impacts.

The DLAE and district environmental staff review the technical report(s) and, using the checklists provided at Exhibits 6-T through 6-AA, determine if the reports are "complete and sufficient."

When "complete and sufficient," the district environmental staff signs the appropriate forms (as necessary) and the DLAE indicates concurrence (with the report findings) in the transmittal letter and forwards the documents to the FHWA for review and approval.

The FHWA reviews the reports, consults with responsible and regulatory agencies as required, and forwards the results of consultation to the DLAE for transmittal to the local agency.

The local agency incorporates the conclusions of the technical studies and the results of consultation in the environmental document, attaches copies of relevant correspondence from resource and regulatory agencies, and processes the NEPA document (through the DLAE) to FHWA for approval.

INTERAGENCY AGREEMENTS AND MEMORANDUM OF UNDERSTANDINGS

Two agreements have been developed to expedite compliance with NEPA. These agreements require full documentation demonstrating that required conditions have been met.

- **Programmatic Categorical Exclusion Agreement** (September 7, 1990) - A "Programmatic" Categorical Exclusion is an agreement between the FHWA and Caltrans that provides for Caltrans DLAE determination that conditions of the agreement have been met when the action: 1) meets the criteria for a CE under 23 CFR 771.117(a), 2) qualifies for a CE under 23 CFR 771.117(d), and 3) satisfies all conditions of the Programmatic Categorical Exclusion.

Refer to Exhibit 6-I, "Programmatic Categorical Exclusion," for a copy of the agreement with conditions.

- **Categorical Exemption/Categorical Exclusion Determination for Seismic Safety Retrofit Project** (February 5, 1990) - This agreement covers the majority of retrofit work but is applicable only to actions meeting the conditions on the agreement. Because the conditions of this agreement are relatively consistent with those of the programmatic agreement (Exhibit 6-I), local agencies should be aware that this agreement is valid but is not used for local agency Federal-aid projects, primarily because the Programmatic CEs can adequately achieve the same end.

Six processes have been developed to expedite compliance with other environmental laws. These are as follows:

- **Programmatic Agreement Regarding the Seismic Retrofit of Historic Bridge Structures in California** (March 21, 1995) - This agreement is for the Section 106 process only and provides for the expeditious fulfillment of the requirements under Section 106. Additional assistance from the Caltrans environmental cultural resources specialist is required when utilizing this agreement (a copy of the agreement is available from the district local assistance office).
- **Bikeways and Walkways Programmatic 4(f) Evaluation** (May 1977) - This is for independent bikeway and pedestrian walkway projects which require the use of recreation and park areas.
- **Historic Bridge Programmatic 4(f) Evaluation** (July 1983) - This is for historic bridge replacement projects. Extensive historic evaluation and coordination to meet Section 106 requirements are still required.
- **Minor Use of Parklands Nationwide Section 4(f) Evaluation** - This is for federally assisted highway projects which use minor amounts of land from publicly owned public parks, recreation areas, and wildlife and waterfowl refuges.
- **Minor Involvement with Historic Sites Nationwide Section 4(f) Evaluation** - This is for federally assisted highway projects which use minor amounts of land from historic sites which are eligible for inclusion on the National Register of Historic Places.
- **Memorandum of Understanding (MOU) National Environmental Policy Act and Clean Water Act, Section 404 Integration Process for Surface Transportation Projects in Arizona, California and Nevada** (Spring 1994) -
The U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Federal Highway Administration, Federal Transit Administration, California DOT, Arizona DOT, and Nevada DOT agree on early and on-going coordination for issues pertaining to waters of the U.S. and associated sensitive species, and specifically for projects likely to require an individual permit, impact special aquatic sites, or impact greater than three acres of other waters of the U.S. The MOU specifies written concurrences that must be obtained from the resource agencies.

If it is anticipated that the project may need an Individual Section 404 Permit, the local agency should notify the DLAE and consult the NEPA/404 MOU as early as possible to ensure conformity (copies of the NEPA/404 MOU may be obtained from your district local assistance office).

INTEGRATING CEQA AND NEPA

While this chapter deals exclusively with Federal environmental requirements, local agencies are responsible for insuring full compliance with other state and local environmental laws and, to the fullest extent possible, integrating the NEPA process with the review processes established by these laws. Because State and Federal requirements are similar, it is possible to perform only one environmental process that satisfies both State and Federal requirements simultaneously when Federal approval is required. Where the requirements of the two laws differ, the stricter of the two takes precedence.

Following are some of the basic similarities and differences between the NEPA and CEQA.

- Categorical Exclusion (NEPA)/Categorical Exemption (CEQA) Determination - The list of projects exempt from the Federal legislation is quite different from that for the State. Because the NEPA requires that each Federal agency identify its own list of Categorical Exclusion(s), the list of projects exempt from NEPA is very specific to FHWA, unlike CEQA guidelines that lists 29 standard categories. Thus, a careful reading of 23 CFR 771.117 is necessary to determine which actions are Categorically Excluded (A list of actions that may be Categorically Excluded from NEPA is provided at Exhibit 6-L). Separate determinations must be made for the NEPA and CEQA. Section 6.5 of this chapter describes this phase of the process. Refer to *Local Programs Manual*, Volume III, Chapter 2, for additional information.
- Environmental Assessment (EA)/Initial Study (IS) - The required contents of an EA are similar to those of an IS. However, the NEPA requires that an EA discuss alternatives whereas CEQA does not require a discussion of alternatives in an Initial Study.
- Findings of No Significant Impact (NEPA)/Negative Declaration (CEQA) - There are different circulation requirements in the two laws. Refer to *Local Programs Manual*, Volume III, Chapter 3, for public circulation requirements for Environmental Assessments.
- Environmental Impact Statements (EIS)/Environmental Impact Reports (EIR) - are essentially the same except the NEPA requires a much more rigorous evaluation and comparison of all reasonable alternatives, and the degree of analysis devoted to each alternative must be substantially similar to that devoted to the proposed action. The CEQA merely requires an evaluation of the comparative merits of each alternative.
- One of the most complex aspects of EA or EIS preparation is the requirement for integrating the NEPA with other Federal environmental requirements. Local agencies must identify and list in the EA or EIS all other Federal environmental requirements that may be applicable to the proposed action, and to the fullest extent possible, integrate the NEPA process with the review processes established by these laws. See “Other Federal Environmentally-Related Processes” of this section for a brief overview of the other Federal environmental requirements. This degree of integration of State and local environmental review is not required under CEQA.
- NEPA requires identification of adverse impacts and mitigation of adverse impacts when mitigation is reasonable. NEPA does not focus on assessment of whether each and every adverse impact is significant or not. Presence or absence of “significant impacts” as defined by NEPA is the determining factor of what type of environmental document is appropriate. The NEPA definition of a significant impact does not necessarily correlate with CEQA identified “significant effects.” Further, CEQA requires mitigation only when an impact is designated as “significant” under CEQA. This can result in mitigation being identified under NEPA that would not be identified under CEQA.

In cases where the local agency project is processed with no Federal involvement, the project will only require compliance with the CEQA. The latest edition of the CEQA may be obtained from the California Department of General Services, Publications Section, P.O. Box 1015, North Highlands, California, 95660. Ordering information may be obtained by calling (916) 574-2200. Orders may not be placed by phone. A written request containing a street address and name of person to receive the publication should be accompanied by a check for \$18.00. Price quoted in 1997 and subject to change.

TIMING FOR ENVIRONMENTAL PROCESSES

Estimating the time required for preparing and processing technical studies and environmental documents is very important when establishing a project development schedule. The amount of time needed to demonstrate full compliance with the provisions of the NEPA and the other Federal environmental requirements varies depending upon project scope and the presence of federally-protected environmental attributes within, and immediately adjacent to, the project area.

Compliance with the environmental requirements may occur simultaneously with preliminary engineering work, however, detailed final design work may not commence prior to environmental document approval by the FHWA (or by the DLAE, for Programmatic CEs).

Note: The following time frames reflect best case scenarios and do not take into account the time involved in consultant selection, correction of inadequate studies, regulatory or advisory agency review and comment, projects involving large numbers of very complex or unusual environmental issues, or controversy. The time frames also assume the various environmental studies and documents are performed and written simultaneously.

Below are some examples for estimating time frames:

- A project eligible for a Programmatic Categorical Exclusion with no “required technical studies” can be processed in two weeks, assuming the Preliminary Environmental (PES) Form and supporting information are complete and sufficient.
- A Programmatic Categorical Exclusion with “required technical studies” may take from one to six months, depending upon the studies that must be completed.
- A Categorical Exclusion may take from one month to one year depending upon the required technical studies that must be completed and the time of year the studies are initiated.

It is important to plan for critical survey periods when determining a project schedule. Plant surveys, for example, must be performed during the Spring (March-May), and wetland boundaries must be determined during the growing season (January-March).

It is also important to factor in sufficient time for potentially lengthy processes such as Section 106. Historical Property Survey Reports, which should be initiated at the time of the field review, can be completed in:

1. Three months if there are no eligible or listed properties within the Area of Potential Effect (APE)

2. Six months if there are eligible properties within the APE (Determination of Eligibility)
 3. Eighteen months to three years, if there are effects on a listed or eligible property (Determination of Effect), and mitigation measures are required (Memorandum of Agreement)
- An Environmental Assessment that becomes a Finding of No Significant Impact may take between six months to a year for a situation where everything falls into place. The Draft EA must undergo a 30-day public availability period. Environmentally complicated or controversial projects may take more than one year for the document to be completed and approved.
 - Processing the Environmental Assessment (which becomes a FONSI) with a Historic Property Survey Report (HPSR) (or any other environmentally-related process) may require additional time because these environmentally-related processes require more work and more reviews. A Determination of Effect, for example, must be completed before an EA can be approved.

The local agency should start working on “required technical studies” as early as possible in order to avoid delays. Note: The local agency should not begin “required technical studies” prior to attending the early coordination meeting and obtaining DLAE and FHWA concurrences on the Preliminary Environmental Study (PES) Form.

OTHER CONSIDERATIONS

PERMITS

The local agency will obtain all necessary permits (404 Permit, Coast Guard Bridge Permit, 1601/03) prior to advertisement for construction.

MITIGATION AND PS&E

The local agency will certify that all required mitigation has been completed and/or is included in the final PS&E and that any required ongoing maintenance of mitigation is implemented.

The DLAE assures that mitigation measures and any required ongoing maintenance of mitigation are implemented by conducting periodic process reviews.

MITIGATION AND CONSTRUCTION

The local agency checks plans in the field and certifies that all environmental commitments have been incorporated.

In advance of any commitment, the local agency notifies the DLAE of any significant change in project scope (major changes could require a TIP amendment or air quality re-determination), impacts, or mitigation which may compel environmental re-evaluation.

The DLAE notifies the FHWA of any significant change in project scope, impacts or mitigation, and the FHWA determines if additional environmental studies will be required or if any mitigation agreements will require modification. If so, the local agency requests and FHWA initiates reconsultation/reevaluation immediately.

PROCESS REVIEW

Caltrans conducts process reviews of local agency procedures for preparing environmental documents and backup reports and for ensuring that all environmental commitments have been incorporated in construction.

TRAINING

Caltrans will notify DLAE and local agencies and their consultants regarding training opportunities available through FHWA, U.S. Corps of Engineers (USCE), U.S. Fish and Wildlife Services (USFWS), National Highway Institute (NHI), Environmental Protection Agency (USEPA), universities and colleges, professional societies and private interest groups.

6.3 PRELIMINARY ENVIRONMENTAL STUDIES

PURPOSE

The purpose of preliminary environmental studies is to determine the potential presence of sensitive environmental resources within the project area. The preliminary environmental study process was developed exclusively for Federal-aid local assistance projects, and consists of two parts: 1) a four-step Preliminary Environmental Investigation process, and 2) completion of the Preliminary Environmental Study (PES) form.

PRELIMINARY ENVIRONMENTAL INVESTIGATION

The Preliminary Environmental Investigation process consists of:

1. The development of a complete project description and project map
2. A review of relevant literature, maps and inventories
3. Coordination with resource and regulatory agencies for information gathering purposes only
4. Verification of research findings in the field (site visit)

Instructions for conducting the preliminary environmental investigation and completing the PES form are provided in Exhibit 6-B.

The information gathering tasks associated with the Preliminary Environmental Investigation process (including, but not limited to, requests for information from resource agencies, and map and literature reviews) can be carried out by persons without specialized training. Relevant literature, maps, databases and sample letters for requesting information from resource and regulatory agencies are provided in Exhibits 6-B through 6-H. Verification of biological and archaeological research findings in the field, however, must be undertaken by a qualified specialist.

Preliminary research should be sufficient to confirm the presence, or potential presence, of a sensitive environmental resource within the project area.

Extensive literature reviews, map reviews, and agency coordination may not be required when the project is proposed within existing right of way and the project area is devoid of vegetation (both natural and ornamental) and water resources. These site characteristics should be well documented under the Project Location on both Exhibit 6-A, "Preliminary Environmental Study (PES) Form" and Exhibit 6-J "Categorical Exemption/Categorical Exclusion/Programmatic Categorical Exclusion Form." Because archaeological resources are often concealed or not always evident, local agencies shall at a minimum obtain cultural resource information utilizing Exhibit 6-D, "Sample Letter - Cultural Resources (Native American Heritage Commission)," Exhibit 6-E, "Sample Letter - Cultural Resources (Information Centers of the Historic Resources Information System)," and Exhibit 6-F, "Sample Letter - Cultural Resources (Local Historical Society)" regarding the site, and verify research findings in the field.

PRELIMINARY ENVIRONMENTAL STUDIES (PES) FORM

A complete and signed PES form is required for all projects. A PES form is provided as Exhibit 6-A, "Preliminary Environmental Study (PES) Form." "Instructions for Completing the Preliminary Environmental Study (PES) Form" are provided in Exhibit 6-B.

REQUIRED TECHNICAL STUDIES

When preliminary environmental investigations indicate a potential for sensitive resources within the project area, the local agency is responsible for undertaking the appropriate technical study to confirm the presence of the resource and determine the potential significant affect(s) of the project on the resource. A list of required technical studies is provided under Section C of the Preliminary Environmental Study (PES) Form.

Note: Several technical studies (including, but not limited to, Biology, Wetlands, Publicly Owned Public Parks and Wildlife Refuges, and Historic Preservation) require FHWA involvement for consultation under regulation or interagency agreement. Detailed instructions for completing these technical studies are contained in the *Local Programs Manual*, Volume III.

6.4 PROGRAMMATIC CATEGORICAL EXCLUSION

CRITERIA

A Programmatic Categorical Exclusion (Programmatic CE) may be found to be applicable to a local agency project through one of the following two ways:

- Based on the outcome of preliminary environmental investigations
- Based on the results of technical studies (not requiring Federal involvement)

PROGRAMMATIC CE WITHOUT "REQUIRED TECHNICAL STUDIES"

This first method requires the least amount of time to process. The local agency completes the preliminary environmental investigation and the PES form.

When all answers to Sections A and B of the Preliminary Environmental Study (PES) Form are “no,” (except for # 10), the project meets the conditions of and is eligible for a Programmatic Categorical Exclusion (see Exhibit 6-I, “Programmatic Categorical Exclusion”).

The local agency attaches the completed PES form, and all supporting information, to the Categorical Exemption/Categorical Exclusion/Programmatic Categorical Exclusion (CE/CE/PCE) Form (Exhibit 6-J), and submits the packet to the DLAE for approval. The DLAE reviews the information provided by the local agency and certifies that the conditions of the Programmatic Categorical Exclusion are satisfied. DLAE requests assistance from the district environmental staff as necessary.

PROGRAMMATIC CE WITH “REQUIRED TECHNICAL STUDIES”

The second method requires the completion of required technical studies prior to determining a project’s eligibility for a Programmatic CE. This method may take several months to a year to complete depending upon the resource in question (see prior section entitled “Timing for Environmental Processes”).

Note: Technical studies requiring FHWA involvement for consultation under regulation or interagency agreement may not be processed with a Programmatic CE.

ANNUAL REPORTING REQUIREMENT

The DLAE is responsible for maintaining a log of the projects on which the Programmatic Categorical Exclusion is used in order to facilitate process reviews and to compile an annual list.

At the close of each Federal fiscal year, the DLAE shall furnish their respective FHWA Transportation Engineer with a complete list of projects for which the Programmatic Categorical Exclusion has been used.

6.5 REGULAR CATEGORICAL EXCLUSION

CRITERIA

A project shall be processed with a regular Categorical Exclusion when one or more of the technical studies involves a FHWA action (either consultation under regulation, interagency agreement, formal finding or determination) and when technical reports support the conclusion that no significant environmental impacts will occur as a result of the project. Studies requiring FHWA involvement have been identified by an asterisk in Section C of the PES form (see Exhibit 6-A).

REGULAR CE

The local agency should not commence with technical studies in support of a regular CE until an early coordination meeting has been held and the DLAE, district environmental specialist, and (if consulted) the FHWA Transportation Engineer have signed the PES form indicating concurrence with the studies to be performed and the probable class of action under NEPA. When cultural resource studies are required, the local agency must communicate through the DLAE to obtain the FHWA's signature of approval on an Area of Potential Effects (APE) map prior to commencing with studies.

Following the early coordination meeting the local agency is responsible for undertaking the technical study and for preparing a "complete and sufficient" technical report. The DLAE, district environmental staff, and the FHWA are responsible for reviewing the report(s), but only FHWA may undertake formal consultation with the appropriate resource or regulatory agency and ultimately approve the Categorical Exclusion.

6.6 ENVIRONMENTAL ASSESSMENT (EA) AND ENVIRONMENTAL IMPACT STATEMENT (EIS)

CRITERIA

The preliminary decision to prepare an EA or an EIS may come about through one of the following two ways:

1. Based on the outcome of preliminary environmental investigations
 - When it is clear that the action is not a CE, or
 - When it appears that the action has the potential to "significantly affect the quality of the human environment," or
 - When the project falls within those classes of action normally requiring an EIS under 23 CFR 771.115(a)
2. Based on the results of required technical studies

The early coordination meeting may satisfy the scoping requirements for an EA when those agencies, having an interest in the action, are invited to the early coordination meeting.

The early coordination meeting will not satisfy the formal scoping requirement for an EIS. When an EIS is being prepared, the early coordination meeting provides an opportunity to discuss the project with FHWA, determine whether sufficient information has been compiled to draft the NOI, obtain FHWA's signature of concurrence on the PES form, and obtain FHWA's signature of approval on the APE map (when applicable).

The purpose of the formal scoping meeting, scheduled after FHWA has published the Notice of Intent, is to identify the range of alternatives and impacts and the significant issues to be addressed in the EIS (achieved through public and agency involvement).

The local agency should refer to the *Local Programs Manual*, Volume III, Technical Advisory T6640.8A, and the *Federal Highway Administration California Division Environmental Checklist "Draft" Environmental Documents* (available from the DLAE), for detailed instructions on preparing and processing an Environmental Assessment (Chapter 3), or an Environmental Impact Statement (Chapter 4).

6.7 STEP-BY-STEP PROCEDURES

The following are step-by-step procedures for completing the preliminary environmental investigation and the Preliminary Environmental Study (PES) form. It is important that local agencies and their consultants carefully follow and complete each step to avoid unexpected project costs or delays in project development and to ensure a "complete and sufficient" submittal.

The preliminary environmental study process is shown in Flow Chart 6-1. The numbers on the flow chart correlate with the step-by-step procedures within this section.

PRELIMINARY ENVIRONMENTAL INVESTIGATION (SECTIONS A & B OF THE PES FORM)

1. Develop Complete Project Description and Detailed Map

The local agency develops a written description of the proposed project (addressing construction staging areas and fill and borrow sites, if appropriate) and prepares a detailed map of the project area showing project boundaries and right of way ownership. Refer to the first page of Exhibit 6-B for an example.

For major or controversial projects, early discussion and coordination on "Purpose of and Need for Action" (for probable EA or EIS) should be undertaken and consistent with the *Local Programs Manual*, Volume III, Appendix G, Section 5, Page 13.

2. Review Relevant Literature, Maps and Inventories

The local agency reviews relevant literature, maps and databases to determine the potential for sensitive resources within the project area. Detailed instructions for completing the PES form are provided in Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Study (PES) Form." It is important that local agencies carefully follow these instructions to ensure a "complete and sufficient" submittal.

It is important to note that many of the questions on the PES form can be answered with the assistance of one agency--the Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service. NRCS field offices maintain a wide variety of maps including, but not limited to, the National Wetland Inventory (NWI) maps, Federal Emergency Management Agency (FEMA) maps, National Flood Insurance Program (NFIP) maps, Agricultural Wetland maps, prime and unique farmland maps, as well as California Natural Diversity Database (CNDDB) maps. These maps provide the local agency with the information to accurately respond to questions pertaining to water quality, sole source aquifers, wetlands, floodplains, coastal zone areas, wild and scenic rivers, agricultural wetlands, and farmlands.

NRCS field offices can also delineate and verify prime and unique farmlands (conversions to non-agricultural use require coordination with the U.S. Army Corps of Engineers) and agricultural wetlands (the U.S. Army Corps of Engineers remains the agricultural wetlands point of contact for Section 404 Permits). Refer to Exhibit 6-G, "Natural Resource Conservation Service (NRCS) Field Offices," for the NRCS field office in your area.

3. Coordinate with Resource and Regulatory Agencies

The local agency requests information from those agencies having expertise in the affected environmental elements, and/or having permit or license authority over the proposed project regarding the presence or absence of a sensitive resource (biological and cultural). Sample letters for requesting biological and cultural resource information are provided in Exhibits 6-C through 6-F.

4. Verify Research Findings in the Field (Site Visit)

Following a map and literature review, the local agency conducts a site visit to verify research findings in the field. Field notes should be taken to confirm the general presence or absence of resources, as necessary. Verification of the presence of biological and/or cultural resources shall be performed by a qualified specialist.

5. Complete Sections A and B of the Preliminary Environmental Study (PES) Form

Using information gathered in the above process, the local agency completes Sections A and B of the PES form (Exhibit 6-A) to determine whether the project qualifies for a Programmatic CE without required technical studies. Refer to Exhibit 6-B for instructions for completing the PES form.

PROGRAMMATIC CE WITHOUT TECHNICAL STUDIES

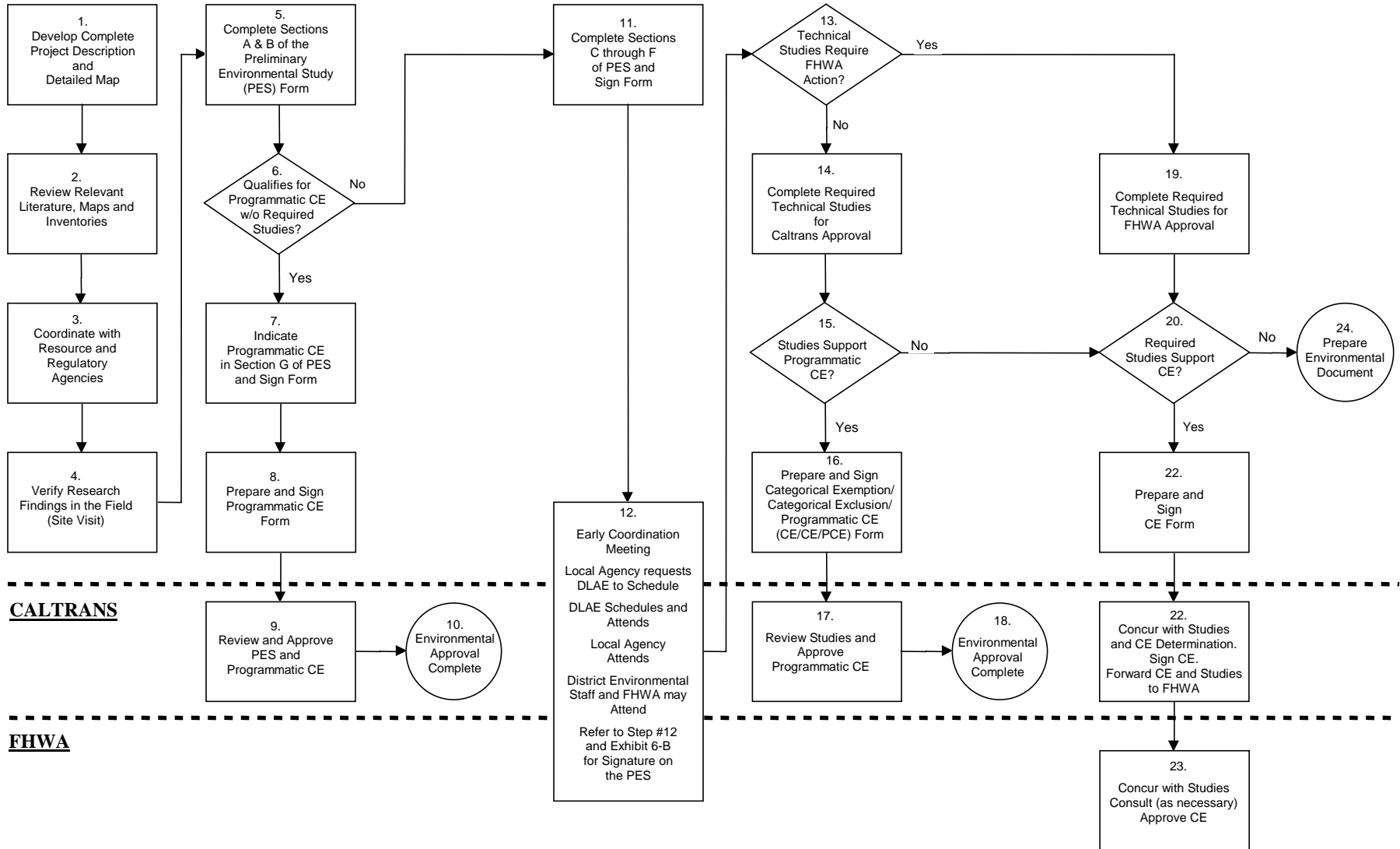
6. Consider Whether Project Qualifies For A Programmatic Categorical Exclusion Without Required Technical Studies

When all questions in Sections A and B of the Preliminary Environmental Study (PES) form are answered "no" (except for #10), the project qualifies for a Programmatic CE without required technical studies (see Exhibit 6-I). **GO TO STEP 7.** When all questions in Sections A and B of the PES form cannot be answered "no" (except for #10), **GO TO STEP 11.**

7. Indicate Programmatic CE in Section G of PES form and Sign Form

The local agency indicates their preliminary recommendation of a Programmatic CE in Section G and signs the Preliminary Environmental Study (PES) form (Exhibit 6-B), affirming preparation of the PES in accordance with this manual. It is not necessary to complete Section C through F.

LOCAL



8. Forward Completed PES Form and CE/CE/PCE Form to DLAE

The local agency submits the following information to the DLAE for review and approval:

- Fully completed and signed PES form
- CE/CE/PCE Form (Exhibit 6-J), with Project Description section completed.
- Project Map
- Any field notes and correspondence from resource agencies
- Results from literature, maps, and records searches
- Completed Field Review Form (first two pages minimum, see Chapter 7)

A sample transmittal letter is provided at Exhibit 6-N.

9. Reviews PES and Signs the Programmatic CE

The DLAE reviews the Preliminary Environmental Study (PES) form and makes the determination that the project has met all CE criteria and all the conditions of the September 7, 1990 Programmatic CE agreement. (Note: In accordance with the February 9, 1998 Van Loben Sels letter to FHWA, “the DLAE will determine the appropriate environmental staff involvement to assure that the conditions of the Programmatic agreement have been met. When environmental staff assistance is required, their involvement will be documented but it is not required for all projects.”) In some cases, an on-site environmental review and/or an office meeting may be necessary. The DLAE checks the Programmatic Categorical Exclusion space and signs in the NEPA Determination box. Incomplete documentation is returned to the project sponsor. The FHWA Transportation Engineer does not sign the PCE.

10. Environmental Approval Complete

The local agency inserts September 7, 1990 as the date of FHWA approved Programmatic CE in Local Agency/State Comments field when completing the Request for Authorization form for the next phase of the project (see Chapter 3 “Project Authorization”).

WHEN TECHNICAL STUDIES ARE REQUIRED**11. Complete Section C through F of the PES Form and Coordinate with the DLAE (and the FHWA if necessary)**

When all questions under Sections A and B (except for #10) of the PES form cannot be answered “NO,” the local agency completes Sections C through F of the Preliminary Environmental Study (PES) form. Refer to Exhibit 6-B, “Instructions for Completing the PES Form” for detailed instructions on completing Sections C through F. **GO TO STEP 12.**

12. Early Coordination Meeting and Signatures on the PES

Prior to commencing with required technical studies, the local agency requests the DLAE to schedule an early coordination meeting to discuss the scope of the required technical study, the format and content of the technical report, and the procedures for processing the report for review and approval.

When the technical study requires FHWA consultation under regulation or interagency agreement (as indicated by an asterisk in Section C of the PES form), the DLAE consults with the environmental specialist to determine if the FHWA should attend the early coordination meeting. DLAE invites the district environmental representative and the FHWA Transportation Engineer as necessary. FHWA may attend (at their discretion).

The DLAE schedules and attends the early coordination meeting. The local agency prepares the following items for the early coordination meeting:

- Fully completed and signed PES form
- Project Map
- Any field notes and correspondence from resource agencies
- Results from literature, maps, and records searches
- Completed Field Review Form (first two pages minimum, see Chapter 7)
- Area of Potential Effects (APE) map (when applicable)

Note: Early coordination meeting -- suggested points for discussion (on the most commonly prepared technical reports) are provided at Exhibits 6-O through 6-S.

The DLAE signs the PES form indicating concurrence with the studies to be performed and the probable level of environmental document. The district environmental representative signs the PES form for EAs, EISs, Regular CEs, and (when requested) for Programmatic CEs. The FHWA Transportation Engineer (TE) signs the PES form for EAs, EISs and (when requested) for Regular CEs. When FHWA review is recommended, but the FHWA TE is not in attendance at the early coordination meeting, FHWA's signature on the PES form should be obtained prior to the local agency commencing with technical studies. Refer to Exhibit 6-A, "Preliminary Environmental Study (PES) Form," Section G, for recommendations.

Note: The early coordination meeting will not satisfy formal scoping requirements for Environmental Assessments (EAs) or Environmental Impact Statements (EISs).

The local agency should refer to the *Local Programs Manual*, Volume III, Technical Advisory T6640.8A, and the *Federal Highway Administration California Division Environmental Checklist "Draft" Environmental Documents* (available from the

DLAE), for detailed instructions on preparing and processing an Environmental Assessment (Chapter 3), or an Environmental Impact Statement (Chapter 4).

13. Determine Process Based on FHWA Involvement

When the study requires Federal involvement, GO TO STEP 19. When the study will not involve Federal action GO TO STEP 14.

TECHNICAL STUDIES NOT REQUIRING FHWA ACTION - PROGRAMMATIC CE**14. Complete Required Technical Studies**

The local agency completes the required technical studies, prepares the necessary reports, and seeks concurrence from appropriate resource agencies. Refer to the *Local Programs Manual*, Volume III for detailed instructions.

Except where otherwise noted, local agencies are responsible for coordinating with and seeking concurrence from appropriate responsible and regulatory agencies.

Written correspondence from resource agencies regarding agency concerns and/or concurrence with the conclusions of technical studies shall be attached to the study.

15. Determine Whether “Required Technical Studies” Support a Programmatic Categorical Exclusion

The local agency considers the conclusions of each required study and makes a preliminary determination as to whether the project qualifies for a Programmatic Categorical Exclusion (refer to Exhibit 6-I). When the project qualifies for a Programmatic CE **GO TO 16**. When the project does not qualify for a Programmatic CE, **GO TO 20**.

16. Prepare and Forward the CE/CE/PCE Form

The local agency completes Project Description portion of the CE/CE/PCE Form (Exhibit 6-J) and forwards it (with the PES form and required technical study attached) to the DLAE for review and approval. A cover letter summarizing the results of each technical report shall be attached to facilitate quick review.

17. DLAE Reviews the Technical Study and Approves Programmatic CE

The DLAE reviews the technical study(ies). Assistance from district environmental staff is requested, as necessary. The DLAE makes the determination that the project has met all CE criteria and all the conditions of the September 7, 1990 Programmatic CE agreement. (Note: In accordance with the February 9, 1998 letter from the Caltrans Director to FHWA, “the DLAE will determine the appropriate environmental staff involvement to assure that the conditions of the Programmatic agreement have been met. When environmental staff assistance is required, their involvement will be documented but it is not required for all projects.”) The DLAE checks the Programmatic Categorical Exclusion space and signs in the NEPA Determination box. The FHWA Transportation Engineer does not sign the PCE.

18. Environmental Approval Complete

The local agency inserts September 7, 1990 as the date of FHWA approved Programmatic CE in Local Agency/State Comments field when completing the Request for Authorization form for the next phase of the project (see Chapter 3 “Project Authorization”).

TECHNICAL STUDIES REQUIRING FHWA ACTION - CE**19. Complete Required Technical Studies**

The local agency completes the required technical study(ies) and prepares the necessary technical report(s).

Note: To ensure complete and sufficient submittals and quick processing, local agencies should refer to Exhibits 6-T through 6-AA, and the *Federal Highway Administration California Division Environmental Checklist “Draft” Environmental Documents* (available from the DLAE). These exhibits should also be considered when preparing consultant contracts.

Except where otherwise noted, local agencies are responsible for coordinating with and seeking concurrence from appropriate responsible and regulatory agencies. Coordination with the State Historic Preservation Officer and the U.S. Fish and Wildlife Service, beyond information gathering, is the responsibility of the FHWA Transportation Engineer.

Written correspondence from resource agencies regarding agency concerns and/or concurrence with the conclusions of additional preliminary studies shall be attached to the study.

The local agency shall sign the technical report(s), acknowledging that it is “complete and sufficient”, and indicate the qualifications of the preparer.

20. Determine Whether “Required Technical Studies” Support a Categorical Exclusion

The local agency considers the conclusions of each report and determines (based on information provided in Section 6.2 and Exhibit 6-L of this chapter) whether the required technical studies support a Categorical Exclusion. When the project qualifies for a CE, **GO TO STEP 21**. When the project does not qualify for a CE, **GO TO STEP 24**.

21. Local Agency Prepares and Forwards CE/CE/PCE Form and Technical Studies to DLAE)

The local agency completes the Project Description portion of the CE/CE/PCE form (Exhibit 6-J) and forwards it, along with three (3) copies of each technical report, to the DLAE for review and processing to FHWA. A cover letter, summarizing the conclusions of each technical report, shall be attached to the packet to facilitate quick review..

22. DLAE and District Environmental Staff Review Technical Reports and Concur in the CE Determination

The DLAE should screen submittals for obvious errors and omissions and, only when complete and sufficient, forward the submittals to the district environmental staff. Incomplete documentation will be returned to the local agency. The district environmental staff should review the technical report(s) and use the checklists provided at Exhibits 6-T through 6-AA to determine if the reports are complete and sufficient. When complete and sufficient, and when in concurrence with the conclusions, District Environmental office chief (or designee) signs in the NEPA Determination Box of the form to confirm that the project meets the conditions of a CE. The DLAE forwards the CE/CE/PCE form and two (2) copies of each technical report to the FHWA for review and action. A cover letter, summarizing the conclusions of each technical report, shall be attached to facilitate quick review.

23. FHWA Approve Studies

FHWA reviews the technical reports.

If inadequate, FHWA notifies the DLAE of the deficiencies and forwards a written description of the deficiencies to the DLAE for transmittal to the local agency.

When adequate, FHWA consults with the appropriate regulatory and/or resource agency. When all studies and required consultations are complete, FHWA signs and returns the CE/CE/PCE form to the DLAE for transmittal to the local agency.

Local agency inserts date FHWA approved CE/PCE on the Request for Authorization form for the next phase of the project (see Chapter 3 “Project Authorization”).

ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STATEMENT

24. Local Agency Prepares Environmental Document.

When technical studies indicate that the project does not support a CE, the local agency should refer to the *Local Programs Manual*, Volume III, the *Federal Highway Administration California Division Environmental Checklist “Draft” Environmental Documents and Technical Advisory (TA) T6640.8A* for detailed instructions on preparing and processing an Environmental Assessment (Chapter 3), or an Environmental Impact Statement (Chapter 4).

6.8 MONITORING ENVIRONMENTAL DOCUMENT REVIEW

The District Local Assistance Engineers (DLAE) will monitor the district review of local agency environmental documents. Every effort should be made to meet local agency project development schedules. But when delays are identified, the DLAE should determine the cause of the delay. Generally, delays are caused by: 1) other district priorities, 2) quality of documentation, 3) disagreements between local agency and Caltrans environmental specialists over interpretation of Federal requirements, and 4) resource and regulatory agency reviews. Options for minimizing these delays are discussed below.

OTHER DISTRICT PRIORITIES

When other district priorities preclude timely reviews by district environmental staff, the DLAE should appeal to district management. When the problem cannot be resolved at the district level, the district should request assistance from the Office of Local Programs environmental coordinator who will collaborate with headquarters Environmental Program and other district environmental branches to ascertain resource availability.

QUALITY OF DOCUMENTATION

Problems regarding the quality of technical reports and environmental documents should be resolved at the district level, insofar as possible. The DLAE and the district environmental staff should utilize the checklists provided as Exhibits 6-T through 6-AA to determine if the document is complete and sufficient. Incomplete documents should be returned to the local agency with the missing elements indicated on the checklist.

Local agencies that consistently submit incomplete documentation should be informed of available environmental training. Every effort should be made to address recurring problems with the local agency during early coordination meetings on future projects.

DISAGREEMENTS REGARDING INTERPRETATION OF FEDERAL LAW

When the local agencies disagree with the district environmental staff's interpretation of Federal law and requirements, the DLAE should make every effort to resolve the disagreement at the district level.

When differences of opinion cannot be resolved in the district, the DLAE will notify the headquarters Office of Local Programs (OLP) environmental coordinator who, in turn, will discuss the issue with headquarters Environmental Program staff and the FHWA environmental specialist, if necessary. The headquarters Office of Local Programs environmental coordinator will relay that interpretation of Federal law, most broadly-accepted by Caltrans and (when appropriate) FHWA staff, to the DLAE.

RESOURCE AND REGULATORY AGENCY REVIEWS

When the problem is one of delay associated with resource or regulatory agency review of technical reports, the DLAE should work with district environmental staff to resolve the problem.

When the problem cannot be resolved at the district level, the DLAE should notify the FHWA Transportation Engineer and request streamlining actions or expeditious handling as necessary to meet local agency project development schedules.

6.9 DISPUTE RESOLUTION PROCEDURES

Local agencies should notify the DLAE promptly when concerns arise regarding:

- Environmental document review time
- Need for, or scope of, required technical studies
- The content of a technical report or environmental document
- The decision and/or comments received from a district office

As discussed above, the DLAE will make every effort to resolve the issues informally. When the local agency is not satisfied with the outcome and desires a formal appeal, refer to dispute procedures provided in Chapter 20, "Deficiencies and Sanctions," Section 20.4, "Dispute Resolution Procedures" of this manual.

PRELIMINARY ENVIRONMENTAL STUDY (PES) FORM

Agency (Dist-Co-Rte-Agency): _____

Project Number (Federal Prog. Prefix-Proj.No. (Agrmnt No.): _____

Project Location: _____

Project Description: _____

**EXAMINE FOR POTENTIAL EFFECTS ON THE ENVIRONMENT, DIRECT OR INDIRECT, AND
ANSWER THE FOLLOWING QUESTIONS**

A. The Physical Environment	<u>Yes</u>	<u>To Be Determined</u>	<u>No</u>
1. Is the project a Type I project as defined in 23 CFR 772.5(h); "construction on new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes."	_____	_____	_____
2. Are there water resources (rivers, streams, bays, inlets, lakes, drainage sloughs) within or immediately adjacent to the project area?	_____	_____	_____
3. Is project within a designated sole-source aquifer?	_____	_____	_____
4. Is project within the State Coastal Zone?	_____	_____	_____
5. Is the construction area located within a regulatory floodway or within the base floodplain (100-year) elevation of a water course or lake?	_____	_____	_____
6. Is the project within or immediately adjacent to a Wild and Scenic River System?	_____	_____	_____
7. Is there a potential for a federally-listed, threatened, or endangered species (including candidate species) or their critical or sensitive habitat within the construction area?	_____	_____	_____
8. Is there a potential for wetlands within the construction area?	_____	_____	_____
9. Is there a potential for agricultural wetlands within the construction area?	_____	_____	_____
10. Air Quality			
a. Is the project included in a currently conforming regional transportation plan (RTP) and transportation improvement program (TIP) and that there have been no substantial changes in the design concept and scope as used in the TIP?	_____	_____	_____
b. Is the project exempt from the requirement to determine conformity (40 CFR 93.126)?	_____	_____	_____
11. Is the project in a non-attainment or maintenance area? (National Ambient Air Quality Standards)	_____	_____	_____

	To Be <u>Yes</u>	<u>Determined</u>	<u>No</u>
A. The Physical Environment (continued)			
12. Is there a potential for prime or unique farmlands within or immediately adjacent to the construction area?	_____	_____	_____
13. Is there a potential for hazardous materials (including underground tanks) or hazardous material remains within or immediately adjacent to the construction area?	_____	_____	_____
14. Are there any publicly-owned public parks, recreation areas, or wildlife or waterfowl refuges [Section 4(f)] within construction area?	_____	_____	_____
15. Are there any aesthetically visual resources within the project area?	_____	_____	_____
B. The Social and Economic Environment			
16. Will the project require any right of way, including partial or full takes? Consider construction easements and utility relocations.	_____	_____	_____
17. Is the project inconsistent with plans and goals adopted by the community?	_____	_____	_____
18. Will the project result in the need for public services, including utilities other than those presently available or proposed?	_____	_____	_____
19. Will the project involve changes in access control?	_____	_____	_____
20. Will project involve the use of a temporary road, detour or ramp closure?	_____	_____	_____
21. Will the project reduce available parking?	_____	_____	_____
22. Will the project require future construction to fully utilize the design capabilities included in the proposed project?	_____	_____	_____
23. Will the project generate public controversy based on potential environmental effects?	_____	_____	_____
24. Will project construction encroach on State or Federal Lands?	_____	_____	_____
25. Are there National Register listed or potentially eligible historic properties [Section 106, Section 4(f)] within the construction area?	_____	_____	_____

DATA AS REQUIRED TO SUPPORT THE CONCLUSIONS OF THIS CHECKLIST SHOULD BE ATTACHED OR AVAILABLE FROM THE LOCAL AGENCY UPON REQUEST
(Check to Indicate Required Technical Studies, Coordination, Permits or Approvals)

C.	REQUIRED TECHNICAL STUDIES	D.	COORDINATION	E.	PERMIT/APPROVALS
<input type="checkbox"/>	NOISE STUDY ___ Traffic Related ___ Construction Related	___	FHWA		
<input type="checkbox"/>	WATER QUALITY STUDY ___ Discharge Dredged/Fill material (US waters) ___ Construction in Navigable Waters ___ Construction of Bridges/Causeways Across Navigable Waters ___ Construction of Bridge ___ Stream or Lake Alteration ___ NEPA/404 MOU	___	U.S. Army Corps of Engineers U.S. Army Corps of Engineers U.S. Coast Guard California Regional Water Quality Control Board California Department of Fish & Game FHWA	___	Issues Section 404 Permit Section 10 Permit Approves Plans Water Quality Certification Section 1601/03 Permit
<input type="checkbox"/>	SOLE SOURCE AQUIFER	___	EPA (S.F. Regional Office)	___	Contamination Threat
<input type="checkbox"/>	COASTAL ZONE	___	State Coastal Zone Management agency (California Coastal Commission (CCC))	___	Coastal Zone Consistency
<input type="checkbox"/>	FLOODPLAIN STUDY *	___	Federal Emergency Management Agency FHWA	___	Floodplain Finding
<input type="checkbox"/>	WILD & SCENIC RIVERS	___	U.S. Department of Interior Heritage Conservation/Recreation Service		
<input type="checkbox"/>	BIOLOGY STUDY *	___	FHWA California Department of Fish & Game	___	Sec 7 Consultation Incidental Take Permit
<input type="checkbox"/>	WETLANDS STUDY * Agricultural Wetlands	___	FHWA/EPA U.S. Fish & Wildlife U.S. Army Corps of Engineers National Marine Fisheries Service Natural Resources Conservation Service	___	Wetlands Findings Verifies juris. wetlands Verifies agri. wetlands
<input type="checkbox"/>	AIR QUALITY STUDY*	___	FHWA	___	Conformity Finding
<input type="checkbox"/>	FARMLANDS STUDY	___	Natural Resources Conservation Service U.S. Army Corps of Engineers	___	Verifies prime/unique Approves Conversions
<input type="checkbox"/>	HAZARDOUS MATERIAL STUDY (Cleanup of Hazardous Material Sites)	___	1. CALIF. EPA; Department of Toxic Substances Control, Biennial Reports, Lists of Active Annual Workplan Sites 2. CALIF. OPR; Hazardous Wastes & Substances Sites List, List of Contamina Sites 3. LOCAL; Health & Human Services Dept., Hazardous Waste Operations Division		

* FHWA has responsibility for consultation under regulation or interagency agreement or FHWA has responsibility for a finding or determination required by law, regulation or Executive Order.

C. REQUIRED TECHNICAL STUDIES	D. COORDINATION	E. PERMIT/APPROVALS
<input type="checkbox"/> SECTION 4(f) EVALUATION **	<input type="checkbox"/> FHWA <input type="checkbox"/> Public Official w/Jurisdictional Responsibility. <input type="checkbox"/> SHPO/ACHP (as appropriate) <input type="checkbox"/> DOI/DOA/HUD/USDA (as appropriate)	<input type="checkbox"/> Makes Determination
<input type="checkbox"/> SECTION 6(f) EVALUATION	<input type="checkbox"/> Park Official <input type="checkbox"/> DOI	
<input type="checkbox"/> VISUAL IMPACT STUDY (AESTHETICS)	<input type="checkbox"/> FHWA	
<input type="checkbox"/> RELOCATION IMPACTS STUDY	<input type="checkbox"/> State & Local Planning Departments	
<input type="checkbox"/> SOCIO-ECONOMIC STUDY	<input type="checkbox"/> Airports, Schools, State and Local Planning Departments	
<input type="checkbox"/> TRAFFIC	<input type="checkbox"/> FHWA	
<input type="checkbox"/> SECTION 106 STUDY * <input type="checkbox"/> APE Map <input type="checkbox"/> Historic Property Survey Report (HPSR)	<input type="checkbox"/> Caltrans <input type="checkbox"/> FHWA <input type="checkbox"/> SHPO/ACHP (as appropriate) <input type="checkbox"/> Local Preservation groups and/or Native American Tribes <input type="checkbox"/> FHWA	<input type="checkbox"/> Determines applicability of Minimal APE <input type="checkbox"/> Approves APE <input type="checkbox"/> Concurs or Consults with SHPO/ACHP
<input type="checkbox"/> CONSTRUCTION/ENCROACH ON STATE LANDS <input type="checkbox"/> Under State Lands Commission Jurisdiction <input type="checkbox"/> Under Caltrans Jurisdiction	<input type="checkbox"/> State Lands Commission <input type="checkbox"/> Caltrans	<input type="checkbox"/> General Permit/Revise General Plans <input type="checkbox"/> Encroachment Permit
<input type="checkbox"/> CONSTRUCTION/ENCROACHMENT ON FEDERAL LANDS	<input type="checkbox"/> U.S. Bureau of Reclamation <input type="checkbox"/> Private Land Owner	<input type="checkbox"/> Encroachment Permit <input type="checkbox"/> Right of Entry Permit
Additional studies may be required for other Federal Agencies.		

F. Public Hearing and Public Availability

☐ Not Required
☐ Notices of Availability
☐ Environmental Document ONLY

☐ Opportunity for a Public Hearing
☐ Public Hearing Required

G. Preliminary Environmental Document Classification (NEPA)

Based on the evaluation of the project, the environmental document to be developed should be:

☐ Environmental Impact Statement
☐ Environmental Assessment
☐ Categorical Exclusion, with required technical studies (involving Federal action)
☐ Programmatic Categorical Exclusion, without required technical studies
☐ Programmatic Categorical Exclusion, with required technical studies (not involving Federal action)

* FHWA has responsibility for consultation under regulation or interagency agreement or FHWA has responsibility for a finding or determination required by law, regulation or Executive Order.

Prepared by: _____ Date: _____ Telephone #: _____

This document was prepared under my supervision, in accordance with the *Local Assistance Procedures Manual*, Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Study Form."

Signature local agency: _____ Date: _____ Telephone #: _____

I have reviewed this Preliminary Environmental Study (PES) form and determined that the submittal is complete and sufficient. I concur with the studies to be performed and the recommended level of environmental document (if required).

Signature DLAE: _____ Date: _____ Telephone #: _____

THE FOLLOWING SIGNATURE IS REQUIRED FOR EAs, EISs, REGULAR CEs, AND (WHEN REQUESTED) FOR PROGRAMMATIC CEs:

I have reviewed this Preliminary Environmental Study (PES) form and determined that the submittal is complete and sufficient. I concur with the studies to be performed and the recommended level of environmental document.

Signature District Environmental: _____ Date: _____ Telephone #: _____

FHWA REVIEW of PES RECOMMENDED YES ☐ NO ☐

THE FOLLOWING SIGNATURE IS REQUIRED FOR EAs, EISs, AND (WHEN REQUESTED) FOR REGULAR CEs:

H. I concur with the studies to be performed and the recommended level of environmental document.

Signature FHWA: _____ Date: _____ Telephone #: _____

Distribution:

Original: District Local Assistance Engineer

Copy: Local Agency Project Files

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INSTRUCTIONS FOR COMPLETING THE PRELIMINARY ENVIRONMENTAL STUDY (PES) FORM

When a local agency desires Federal-aid funding for preparing environmental studies and preliminary engineering, the local agency submits a "Request for Authorization" form to the DLAE. The local agency may not proceed with reimbursable activities prior to the projects inclusion in a federally approved FSTIP and receipt of "Authorization to Proceed" notification from Caltrans.

The local agency prepares the Preliminary Environmental Study (PES) form after conducting a site visit of the project area, reviewing current inventories, records, maps, and information relevant to the area, and after consulting with agencies with expertise in the affected environmental elements (water, air, wildlife, plants, etc.), and/or permit or license authority, over the proposed project.

Agency (Dist-Co-Rte-Agency): Example: 03-BUT-32-Butte Co

Project Number (Federal Prog.Prefix-Proj. No.(Agreement No.): STPL XXXX (001)

Project Location: Example: Located 3 miles east of the City of Chico on Rte 32.

Project Description (Briefly describe major components of the proposed work:)

Example: Widening and signals or overlay. Indicate the length of the project to the nearest one-tenth of a mile. If the project is a spot location, use 0.1 mile.

A. The Physical Environment:

The following sources of information should be consulted prior to answering Questions 1-33 or before checking "NO" potential effect (direct or indirect) on the following environmental attributes:

1. Noise: Consult 23 CFR 772.5(h); to determine if this is a Type 1 project; "construction on new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes."

If "No" make sure that the project description (on the PES form and on the CE) clearly states that the project will not change the alignment or increase the number of through-traffic lanes.

If "Yes" or "To Be Determined," further study will be required. Check Noise Study under Section C of the PES form and request an early coordination meeting prior to undertaking the Noise Study to determine if the project will result in predicted traffic noise levels that approach or exceed the noise abatement criteria, or if the predicted traffic noise levels will approach (1 dBA less than Noise Abatement Criteria) or substantially (12 dBA) exceed existing noise levels? When project construction involves pile driving, structure demolition, blasting, etc., the noise study will also need to consider land uses or activities which may be affected by construction noise and determine the measures which are needed in the plans and specifications to minimize or eliminate adverse construction noise impacts to the community. (Refer to 23 CFR 772.19 and to FHWA's Highway Traffic Noise Guidance and Policy, transmitted by letter dated July 11, 1995, for specific instructions on undertaking a Noise Study and preparing a Noise Report)

2. Water Quality: Review maps to determine if there are water resources (i.e., rivers, streams, lakes, reservoirs, impoundments, bays, inlets, estuaries, wetlands, drainage sloughs, vernal pools or swales) within or immediately adjacent to the project area? Confirm and note presence or absence during site visit. Are there water resources in the immediate project vicinity that may be affected by the project?

If "No," include a statement, under Project Description on the PES form and under Project Description and Purpose on the Programmatic CE Form, to the effect that there are no water resources within the project area, or that project will not involve the modification or alteration

of a water resource. Include a vicinity map (clearly showing project's proximity to water resources) and a copy of the field notes confirming the absence of water resources.

If "Yes" or "To Be Determined," further study will be required. Check Water Quality Study under Section C of the PES form and request an early coordination meeting prior to undertaking the Water Quality Study. Indicate applicable coordination and required permits under Sections D and E of PES form respectively. If "Yes" or "To Be Determined," further study will be required.

For projects involving the construction of a bridge over a Navigable River, local agencies indicate that coordination with the Coast Guard will be required during the environmental and design phases of the project (Section D of the PES form) and that a Coast Guard Bridge Permit will be required (Section C of the PES form).

For projects impacting special aquatic sites or greater than three acres, or 500 lineal feet of drainage, of other waters of the U.S., an Individual Section 404 Permit will be required. Local agencies should notify the DLAE as early as possible to consult and conform to the provisions of the Memorandum of Understanding National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects in Arizona, California, and Nevada (fully executed spring 1994 by the U.S. Army Corps of Engineers, FWS, NMFS, EPA, FHWA, FTA Caltrans, Arizona DOT, Nevada DOT). AKA NEPA/404 MOU.

3. Sole-Source Aquifer: Consider if the project is located in or near one of the three sites in California that have been designated as sole-source aquifers; one in Fresno County; the Santa Margarita Aquifer in Scotts Valley, Santa Cruz County; and the Campo/Cottonwood Creek Aquifer in Butte County. A fourth site, the Ocotillo Coyote Wells Aquifer in Imperial County is proposed for designation.

If "No," make sure that the project description (on the PES form and on the CE) clearly states the County. If the project is proposed within the county of Fresno, Santa Cruz, Butte, or Imperial, the project description should clearly state that the project is not within an EPA designated or proposed sole-source aquifer. Where the proximity is questionable, attach map showing projects relation to sole-source aquifer boundary.

If "Yes" or "To Be Determined," and the project is being processed with an EA or an EIS, EPA review of the NEPA document will be required prior to the public availability period. If "Yes," and the project is being processed with a CE, will project involve a well or sewage disposal, or result in a threat of aquifer contamination or hazard to public health? If "Yes" EPA review will also be required prior to FHWA approval of the CE. Check Sole Source Aquifer under Section C of the PES form and note need for EPA review under Section E of the PES form. If "No" project is exempt from a project-by-project review by the EPA.

4. Coastal Zone: Is project within 1000 yards from mean high tide or within an area regulated by the State Coastal Zone Management Agency?

If "No," be sure to provide the DLAE with a copy of a vicinity map.

If "Yes" or "To Be Determined," further study will be required to confirm projects consistency with the State Coastal Zone Management Program (CZMP) Plan. Check Coastal Zone Study under Section C of the PES form and request an early coordination meeting prior to undertaking the study. Indicate need for a consistency determination by the SCZMA under Sections D and E of PES form.

5. 100-year Floodplain: Check Federal Emergency Management Agency (FEMA) maps and National Flood Insurance Program (NFIP) maps, available from public libraries, State Department of Water Resources, city and county flood control managers, or public works departments. Will the project encroach on the base (100 year) flood plain?

If “No,” include a statement, under Project Location on the PES form and under Project Description and Purpose on the Programmatic CE Form, to the effect that the project is not within a 100-year floodplain. For borderline cases, or when questionable, attach Xerox copy of relevant FEMA or NFIP map, showing location of project, or include a written note of the map name and date that was checked.

If “Yes” or “To Be Determined,” further study will be required to determine if the action would support base floodplain development, and/or if the action will involve any work permanently encroaching on a regulatory floodway or if the action will involve any work affecting the base floodplain (100-year) elevations of a water course or lake? Check Floodplain Risk Assessment in Section C of the PES form, and indicate need for coordination under Section D, and request an early coordination meeting prior to undertaking the study.

6. Wild and Scenic Rivers: Review National Park Service’s most current regional list of Wild and Scenic Rivers. As of August 1, 1997, portions of the Tuolumne, American, Middle Fork of the Feather, Smith, Klamath, Trinity and Eel Rivers, have been classified as Wild and Scenic. Consider the projects proximity to one of these rivers. (Note: Designation protects river and a 0.25-mile corridor from development). Does the action involve any construction in, across, or adjacent to a river (designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers published by the U.S. Department of the Interior/U.S. Department of Agriculture)?

If “No,” be sure to provide the DLAE with a copy of a vicinity map. When the project is in the general vicinity of a Wild and Scenic River, the project description should clearly state that the project is not within the 0.25-mile protected corridor. Attach map showing projects relation to river in question.

If “Yes” or “To Be Determined,” further study will be required to determine if the construction, operation or maintenance of the project will affect the river and whether the affect will be significant. Check Wild and Scenic Rivers Study under Section C of the PES form and request an early coordination meeting prior to undertaking the Study. Indicate applicable coordination under Section D and request an early coordination meeting prior to undertaking the study.

7. Federally-Threatened or Endangered Species: Consult the California Natural Diversity Data Base (CNDDB), to determine whether any federally “listed,” “proposed” and/or “candidate” endangered and/or threatened plant or animal species and/or their critical habitat have been documented as occurring within the general vicinity of the project area. Next, review the habitat requirements of each federally “listed,” “proposed” and “candidate” species occurring within a 10-mile radius of the project area. During the site visit, determine whether there is suitable habitat to support any of the species in question. Is there suitable habitat?

If “No,” provide the following evidence, or proof to support your answer:

- Negative results of database, map and literature research, field notes from site visit (confirming negative research findings) and/or a photograph, with construction limits clearly delineated, showing an absence of natural/ornamental/agricultural vegetation) within the project area.; or
- Results of a biological reconnaissance survey, undertaken during the appropriate time of year, by a qualified biologist.

When a review of the databases (CNDDDB) or maps and site visit indicate the likelihood of sensitive plants or animals within the construction area, indicate “Yes” or “To Be Determined” next to questions #7 under Section A of the PES form. Further study will be required to confirm existence and to determine if the project will adversely affect the species or critical habitat in question. Check Biology Study in Section C of the PES form, and request an early coordination meeting.

8. Wetlands: Consult National Wetland Inventory (NWI) maps, available through the appropriate Natural Resource Conservation Service (NRCS) field office(s). Are wetlands likely to be present?

If “No,” include a statement, under Project Location on the PES form and under Project Description and Purpose on the Programmatic CE Form, to the effect that the project will not involve any work in wetlands. For borderline cases, or when questionable, attach Xerox copy of relevant NWI map, showing location of project relative to wetland designations, field notes from site visit and photograph, with construction area clearly delineated.

If “Yes” or “To Be Determined,” further study will be required to determine the exact boundary of the wetland (based on the U.S. Army Corps of Engineers three-parameter definition (33 CFR 323.2(c)), and to quantify the project related impacts on the wetland. Local agency indicates the need for a Wetland Study in Section C of the PES form and requests an early coordination meeting prior to initiating the study. Indicate need to coordinate with FHWA/EPA under Section D and note which agency is responsible for verifying the wetland and the FHWA is responsible for making the formal finding under Section E.

9. Agricultural Wetlands: Local agency reviews relevant maps and information available from the appropriate National Resources Conservation Service field office (see Exhibit 6-G, “Natural Resources Conservation Service (NRCS) Field Offices” for a listing of field offices in your area) to determine if any agricultural wetlands are present within the project area. Are agricultural wetlands present within or immediately adjacent to the project area?

If “No,” include a statement, under Project Location on the PES form and under Project Description and Purpose on the Programmatic CE Form, to the effect that all work will occur within existing right of way. No agricultural or wetland resources will be affected.

If “Yes” or “To Be Determined,” further study will be required to determine the exact boundary of the wetland (based on the U.S. Army Corps of Engineers three-parameter definition (33 CFR 323.2(c)), and to quantify the project related impacts on the wetland. Local agency indicates the need for a Wetland Study in Section C of the PES form and requests an early coordination meeting prior to initiating the study. (Note: The U.S. Army Corps of Engineers remains the agricultural wetlands point of contact for Section 404 Permits). Indicate the need to coordinate with U.S. Army Corps of Engineers for verification the agricultural wetland boundary (under Section D of the PES form), and note that FHWA is responsible for making the formal finding (under Section E of the PES form).

10. Air Quality Conformity:

- a. Is the project included in a currently conforming regional transportation plan (RTP) and transportation improvement program (TIP) with no substantial changes in the design concept and scope as used in the TIP?

If “No,” STOP. Do not continue with Preliminary Environmental Studies, refer to 40 CFR 93.109 for guidance on projects not from a conforming plan and TIP.

If “Yes” or “To Be Determined,” identify the specific RTP and TIP that the project is in and state the date of the U.S. DOT conformity determination.

- b. Is the project exempt from the requirement to determine conformity 40 CFR 93.126?

If “No,” STOP. Do not continue with the Preliminary Environmental Studies, see previous paragraph regarding project in a currently conforming plan and TIP.

If “Yes” or “To Be Determined,” state type of project category it falls under as defined in Table 2 of 40 CFR 93.126.

11. National Ambient Air Quality Standard (NAAQS): Is the project in a non-attainment or maintenance area?

If “No”, further study will not be necessary.

If “Yes” or “To Be Determined” further technical study will be required to determine if the project will (1) affect intersections that are currently at LOS D, E, or F, or those that will change to LOS D, E, or F because of increased traffic volumes related to the proposed project, and/or (2) result in localized exceedances in National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO) and particulate matter (PM) ten microns or less in diameter (10). Local agencies must demonstrate that the project will not cause or contribute to any new localized CO or PM(10) violations or increase the frequency or severity of any existing CO or PM(10) nonattainment and maintenance areas. Local agency indicates the need for an Air Quality Study in Section C of the PES form. For small projects, coordination with FHWA may not be necessary, and the project may still be eligible for a Programmatic CE. When there is a potential for impact, local agencies should indicate the need to coordinate with FHWA by placing an “X” in Section D of the PES form.

12. Prime or Unique Farmlands: Will farmland be acquired for the project or will the project indirectly lead to the conversion of farmland?

If “No,” include a statement, under Project Description on the PES form and under Project Description and Purpose on the Programmatic CE Form, to the effect that all work will occur within existing right of way. No prime or unique farmlands are within the construction area. Include field notes from site visit, indicating surrounding land uses (i.e., farmlands).

If “Yes” or “To Be Determined,” further study will be required. Check Farmlands Study in Section C of the PES form, and indicates coordination and permit requirements under Sections D and E of the PES form respectively. If time permits, local agency completes Parts I and III of Form AD1006 and submits it and maps showing location of alternatives to the appropriate Natural Resources Conservation Service field office for verification of prime and unique farmlands. Are lands subject to the Farmland Protection Policy Act? If “NO,” no further study will be required. If “YES,” any conversions to non-agricultural use will require coordination with the U.S. Army Corps of Engineers.

13. Hazardous Material Sites including Underground Tanks: Review local records of prior land uses and local and State-maintained data bases of hazardous materials sites and underground tanks. During the site visit, note existing land uses (i.e.; gas stations, auto wrecking yards, railroad yard or tracks, landfills, etc.) and any evidence of past land uses (i.e.; above ground tanks, stained soil, 50 gallon drums, etc.) Are there any signs of or any known hazardous materials within the right of way?

If “No,” include a statement, under Project Description on the PES form and under Project Description and Purpose on the Programmatic CE Form, to the effect that all work will occur within existing right of way. Include field notes from site visit, indicating presence of staining on soil, proximity to gas station, landfill or rail yard.

If “Yes,” further study will be required. Check Hazardous Materials Study in Section C of the PES form, and indicate coordination and permit requirements under Sections D and E of the PES form respectively.

14. Section 4(f) Parklands: Review right of way and/or parcel maps to determine ownership prior to conducting a site visit. Observe existing land uses during the site visit. Are any existing or planned publicly owned public parks, recreation areas, or wildlife or waterfowl refuges adjacent to the project area?

If “No,” include right of way and ownership information, and information from site visit noting surrounding land uses.

If “Yes” or “To Be Determined,” further study will be required. Check need for a Section 4(f) Evaluation in Section C of the PES form, identify coordination and permit requirements under Sections D and E of the PES form respectively, and request an early coordination meeting prior to commencing with study. If the park was purchased under the Federal Land and Water Conservation Fund (LWCF) program (Section 6(f) Program) of the National Park Service, Department of the Interior, coordination with the California Department of Parks and Recreation will also be required to ensure consistency with long term management plans.

15. Visual Impact: Consider project construction, operation and maintenance. During the site visit, consider the scenic attributes of the project area. Are there scenic attributes within or adjacent to the project? Will the project involve large cuts or fill areas or large structures? Will the project produce light, glare and/or shadows?

If “No” can be answered to all three of these questions, include a statement, under Project Description on the PES form and under Project Description and Purpose on the Programmatic CE Form, to the effect that there are no scenic areas or resources within the project area, the project will not involve large cuts or fill areas or large structures, and the project will not produce light, glare and shadow. Include field notes from site visit, indicating surrounding land uses (i.e., scenic vistas, trees, rock outcroppings waterfalls, residences, buildings, etc.)

If “Yes” or “To Be Determined,” must be answered to any one of these questions, further study will be required. Check Visual Impact Study (Aesthetics) in Section C of the PES form, and indicate coordination with FHWA under Sections D of the PES form.

B. The Social and Economic Environment

16. Right of Way: Does the project require the acquisition of more than minor amounts of temporary or permanent strips of right of way for construction of such items as clear vision corners and grading. Consider construction easements and utility relocations and partial or full takes of right of way.

If “No,” include a statement, under Project Description on the PES form and under Project Description and Purpose on the Programmatic CE Form, to the effect that no new right of way or temporary or permanent easements will be required.

If “Yes” or “To Be Determined,” attach description (including total acreage and ownership). Further study will be required to determine the amount of right of way (partial or full takes); whether the acquisition will displace businesses and/or residences; or divide or disrupt an established community or

a minority or low-income community, or induce unplanned growth. Check Relocation Impacts Study and/or Socio-Economic Evaluation (as appropriate) in Section C of the PES form, and request an early coordination meeting prior to commencing with the study.

Note: When the project will affect a Minority or Low Income Community Presidential E.O. 12898 on Environmental Justice requires Federal agencies to assure that their actions do not result in disproportionate adverse environmental impacts on minority or low-income. Consult the Census to identify any minority (more than 50%) or low-income (more than 50%) community or communities that will be adversely impacted by the project.

17. Inconsistent with Community Plans: Check General Plan or Community Plan. Is the project inconsistent with plans and goals adopted by the community?

If “No,” expand project description to address projects consistency with local plans.

If “Yes” or “To Be Determined,” further study will be required. Local agency indicates the need for a Socio-Economic Evaluation in Section C of the PES form, and indicates coordination and permit requirements under Sections D and E respectively.

18. Public Services: Review public services and utilities presently available to the project area. Will the project result in the need for public services, including utilities other than those presently available or proposed?

If “No,” expand project description to clarify that project will not generate a need for public services, including utilities beyond those presently available or proposed.

If “Yes” or “To Be Determined,” further study will be required. Local indicates the need for a Socio-Economic Evaluation in Section C of the PES form, and indicates coordination and permit requirements under Sections D and E respectively.

19. Access Control: Will the project involve any changes in access control?

If “No,” expand project description to clarify that project will not require a change in access. Include Vicinity Map to clearly show projects relationship to the State highway system.

If “Yes” or “To Be Determined,” further study will be required. Local indicates the need for a Socio-Economic Evaluation in Section C of the PES form, and indicates coordination and permit requirements under Sections D and E respectively.

20. Local Traffic Patterns: Consider local traffic patterns during construction, operation, and maintenance of the proposed facility. Will the project affect local traffic patterns?

If “No,” expand project description to clarify that no changes in local traffic patterns (short or long-term) will occur as a result of the project.

If “Yes,” local agency indicates the need for a Traffic Study in Section C of the PES form, and identifies coordination and permit requirements under Sections D and E respectively. The traffic study should address provisions for local traffic patterns, through-traffic dependent businesses, construction of detours or ramp closures, local special events or festivals, temporary roads, detours or ramp closures and any substantial public controversy?

21. Parking: Consider existing parking. Will the project affect available parking?

If “No,” expand project location to clarify that there are no parking spaces within or immediately adjacent to the project. Where parking spaces are in the immediate vicinity, but the project will in no way affect them, expand project description to clearly indicate that the project will not change the number and/or location of parking spaces (either temporarily or permanently).

If “Yes” or “To Be Determined,” further study will be required. Local agency indicates the need for a Socio-Economic Evaluation in Section C of the PES form, and indicates coordination and permit requirements under Sections D and E respectively. Where parking is a controversial issue in the project community, a public information meeting and/or public hearing may be required.

22. Future Construction: Consider whether the project will be able to function independently or if future construction will be required to fully utilize the design capabilities included in the proposed project?

If “No,” expand project description to include purpose, need, and logical termini, and clarify that project has independent utility and will not require future construction to function.

If “Yes” or “To Be Determined,” further study will be required. Local agency indicates the need for a Traffic Study in Section C of the PES form, and indicates coordination and permit requirements under Sections D and E respectively.

23. Public Controversy: Consider whether there is substantial interest (from a community standpoint) in the project, or in environmental resources surrounding the project.

If “No,” expand project description to clarify that project is non-controversial.

If “Yes” or “To Be Determined,” indicate need for public involvement next to the recommended class of action under Section G.

24. Construction Encroachment: Will the project encroach on State or Federal Lands?

If “No,” project description should clearly indicate that no new right of way will be required.

If “Yes” or “To Be Determined,” indicate coordination and permit requirements under Sections D and E respectively.

25. Historic Properties: Local agency requests information from the Information Centers for California Historical Resources Information System and the Native American Heritage Commission and has research findings verified in the field by a qualified specialist. Based on these efforts, local agency indicates (on #25 of the PES form) whether there are any National Register of Historic Places listed or potentially eligible properties within the construction area.

If “No,” project description should clearly indicate that all work will occur within existing right of way.

If “Yes” or “To Be Determined,” a technical study will be required. Local agency indicates the need for a Section 106 Study in Section C of the PES form, identifies coordination and permit requirements under Sections D and E of the PES form respectively, prepares an Area of Potential Effect (APE) map, and requests the DLAE schedule an Early Coordination Meeting .

Sections C, D, & E:

Indicate which technical studies will be required based on those questions where a “YES” or “TO BE DETERMINED” answer was checked. Check the required technical study and indicate if coordination or permits and approvals will be required.

Completing Section C of the PES Form - Required Technical Studies

Local agency considers the results of the preliminary environmental investigation and the responses to the questions under Sections A and B of the PES form. When there is a potential for sensitive environmental resources within or adjacent to the project area, a technical study will be required. Refer to the *Local Programs Manual*, Volume III for additional information on the appropriateness of a specific technical study.

Completing Section D of the PES Form - Coordination

Local agency indicates whether coordination with resource and/or regulatory agencies will be necessary. Coordination should be limited to information gathering.

Completing Section E of the PES Form - Permits and Approvals

The local agency indicates whether any permits will be required.

Types of permits to consider include, but are not limited to:

- U.S. Army Corps of Engineers 404 Permit for Bridge Construction
- U.S. Army Corps of Engineers 404 Permit for work in Wetlands
- California Dept. of Fish and Game 1601/03 Permit for Streambed Alteration
- U.S. Forest Service Antiquities Permit for Archaeological Data Recovery

Consult the California Permit Handbook.

Completing Section F of the PES Form - Public Hearing and Public Availability

Local agency indicates whether a Public Hearing or Public Availability will be required. See Chapter 8, “Public Hearings.”

When determining whether a public hearing is necessary, note that all Draft EISs require a public hearing, and NEPA requires a public hearing on environmental documents when there is:

- Substantial environmental controversy concerning the proposed action
- Substantial interest in holding a hearing
- A request for hearing by another agency with jurisdiction over action

Public Involvement for other Federal environmental processes includes:

- Section 106 - a public notice if the project will affect a historic ((non-archeological) property)
- Section 7 - does not in itself require public involvement
- E.O. 11990 (Wetlands) - a public notice if the project will affect a wetland
- E.O. 11998 (Floodplain) - a public notice if the project involves a of floodplain encroachment
- E.O. 12898 (Environmental Justice) - a public notice if the project will adversely effect a minority or low-income community.

**Completing Section G of the PES Form - Preliminary Environmental Document Classification
(Programmatic CE/CE/EA/EIS)**

Based on the answers provided in Section A-C of the PES form, the local agency makes a determination as to the appropriate NEPA class of action. Refer to the *Local Programs Manual*, Volume III when determining whether to prepare an EA or an EIS.

Signatures:

Complete signature blocks.

Preparer - Name and telephone number of local agency staff person or environmental consultant that performed the preliminary research and completed the preliminary environmental study form.

Local Agency - The local agency representative (typically the person having responsible charge for the project; i.e., Public Works Director or City Engineer) signs the PES form when they are satisfied that the form and all supporting documentation is "complete and sufficient."

DLAE - The District Local Assistance Engineer (DLAE) signs the PES form when they are satisfied the form and supporting documentation are complete and sufficient, and when they concur with the studies to be performed and the recommendation level of environmental documentation.

For EAs, EISs, and Regular CEs, provide the following signatures:

Caltrans District Environmental Staff: The Caltrans environmental specialist will sign the PES form when the proposed action necessitates the preparation of an EA, EIS, regular CE, and (when requested) a Programmatic CE. Their signature means the submittal is complete and sufficient and that they concur with the studies to be performed and the recommended level of environmental documentation. A district environmental staff signature is not required for projects requiring a Programmatic CE, unless specifically requested by the DLAE.

FHWA - The FHWA Transportation Engineer's signature is required on the PES form when the recommended NEPA class of action is an EA, EIS, or (when requested) a regular CE. FHWA signature on the PES means that they have reviewed the PES form and concur with the studies to be performed and the recommended level of environmental document.

Note: The DLAE will consult with the environmental specialist and determine which projects required early involvement by FHWA. Typically these will be actions, necessitating the preparation of an EA or an EIS, or in cases where the proposed document is a CE, but FHWA has responsibility for consultation under regulation or interagency agreement, or responsibility for a finding or determination required by law, regulation or Executive Order.

PES Distribution

The original completed PES form shall be maintained in the District Local Assistance Engineer's project file. Copies of the completed PES form should be maintained by the local agency, District Environmental staff and FHWA Transportation Engineer to facilitate quick reference.

SAMPLE LETTER - BIOLOGICAL RESOURCES

Local agency should send this request for information to the California Department of Fish and Game whenever vegetation (natural or agricultural) or water resources (including lakes, rivers, creeks, vernal pools, vernal swales, and/or irrigation, agricultural or roadside drainage ditches) are present within or immediately adjacent to the project area.

COUNTY/CITY/ENVIRONMENTAL CONSULTANT LETTERHEAD

California Department of Fish and Game
Natural Diversity Database (CNDDB) Unit
1220 S Street
Sacramento, CA. 95814

RE: Request for List of State and Federal Status Occurrences from the Natural Diversity Database (Rare find)

Description of proposed action:

Name of USGS Topographic Map (7.5 minute series) on which project location appears.

Please provide us with the following information:

List of any occurrences of State Status species
List of occurrences of Federal Status species
List of any significant natural areas you may have on file
Map Overlay.

Contact person and telephone:

Sincerely,

Name and Title

Distribution:

Original: California Department of Fish and Game
Copies: District Local Assistance Engineer
Local Agency Project Files

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**SAMPLE LETTER - CULTURAL RESOURCES
(NATIVE AMERICAN HERITAGE COMMISSION)**

Local agency should send this request for information to the Native American Heritage Commission for all projects requiring new right of way and/or for projects having the potential to affect a burial site.

COUNTY/CITY/ENVIRONMENTAL CONSULTANT LETTERHEAD

Native American Heritage Commission
1020 O St., Room 130
Sacramento, CA 95814

RE: Request for Information -- For Rural Projects Requiring New Right of Way and/or for Projects Having the Potential to Affect a Burial Site.

Description of proposed action:

Location: _____.

Please identify the Most Likely Descendants and advise about the presence of sacred sites on record in your inventory. Please advise us of the Native American contacts to be made with regards to planning to avoid or otherwise address sacred site issues.

Contact person and telephone:

Sincerely,

Name and Title

Attachment: Project Map

Distribution:

Original: Native American Heritage Commission
Copies: District Local Assistance Engineer
Caltrans District Native American Coordinator
Local Agency Project Files

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**SAMPLE LETTER - CULTURAL RESOURCES (INFORMATION CENTERS OF THE
HISTORICAL RESOURCES INFORMATION SYSTEM)**

Local agency should send this request for information to the information center or centers which have responsibility for the project area. The request should be sent for projects involving new right of way, when it is unclear whether cultural resources are present within the project area, or to obtain a list of qualified archaeologists.

COUNTY/CITY/ENVIRONMENTAL CONSULTANT LETTERHEAD

Information Center or Centers having responsibility for the project area (see Exhibit 6-H for a list of addresses for Information Centers of the Historical Resources Information System).

RE: Request for Information

Description of proposed action:

Location: _____.

Please provide us with a listing of historic and archaeological properties within the immediate vicinity of the project that are currently on the National Register of Historic Places. We would also like a list of consultants who are qualified to do archeological field work within this area.

Contact person and telephone:

Sincerely,

Name and Title

Attachment: Project Map

Distribution:

Original: Information Center of the Historical Resources Information System

Copies: District Local Assistance Engineer
District Native American Coordinator
Local Agency Project Files

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SAMPLE LETTER - CULTURAL RESOURCES (LOCAL HISTORICAL SOCIETY)

Local agency should send this request for information to the Local Historical Society for all projects requiring new right of way, when it is unclear whether historical resources or properties of local significance may be present within the project area.

COUNTY/CITY/ENVIRONMENTAL CONSULTANT LETTERHEAD

Local (County and/or City) Historical Society

RE: CULTURAL RESOURCE INVENTORY for _____ (Project Name)_____

Description of proposed action:

Location: _____.

Please provide us with any information you may have regarding the history or historical resources relevant to the project area and/or properties of local significance that might be affected by the proposal.

Contact person and telephone:

Sincerely,

Name and Title

Attachment: Project Map

Distribution:

Original: County Historical Society

Copies: District Local Assistance Engineer
Local Agency Project Files

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NATURAL RESOURCES CONSERVATION SERVICE (NRCS) FIELD OFFICESUNITED STATES DEPARTMENT OF AGRICULTURAL
NATURAL RESOURCES CONSERVATION SERVICECALIFORNIA DIRECTORY
1995CALIFORNIA STATE OFFICE
2121-C 2nd Street, Suite 102
Davis, CA 95616-5475Telephone: (916) 757-8200
Fax: (916) 757-8381
or (916) 757-8382

<u>County</u> <u>Telephone</u>	<u>Address</u>	
ALAMEDA (Terence Huff)	*Livermore Field Office 1560 Catalina Court Livermore, CA 94550	(510) 447-0749 FAX: (510) 443-1048
ALPINE	Alpine R.C.D. PO Box 517 Minden, NV 89423	(702) 782-3661 (916) 541-1496
AMADOR (Robert E. Long)	*Jackson Field Office 42A Summit Street Jackson, CA 95642	(209) 223-1846
BUTTE (Wendal C. Gilgert)	Willows Field Office 132 North Enright Willows, CA 95988	(916) 934-4601
(Dean W. Burket)	Soil Survey Team CA State University, Chico Soil Conservation Service Chico, CA 95929-0310	(916) 898-4903 FAX: (916) 898-4675
CALAVERAS (Robert E. Long) (Jackson F. O.)	Jackson Field Office 42A Summit Street Jackson, CA 95642	(209) 223-1846 FAX: (209) 946-6229
COLUSA (Alan R. Forkey)	Colusa Field Office 100 Sunrise Blvd., Suite B Colusa, CA 95932	(916) 458-2931
CONTRA COSTA (Larry R. Soenen)	Concord Field Office County Farm Bureau Building 5552 Clayton Road Concord, CA 94521	(510) 672-4577 FAX: (510) 672-8064
DEL NORTE (David W. Howell)	Arcata Soil Survey Office Humboldt State Univ. House 87 Arcata, CA 95521	(707) 826-4874 (707) 444-9708 FAX: (707) 826-5555

<u>County</u>	<u>Address</u>	<u>Telephone</u>
EL DORADO (James C. Kimmel)	Placerville Field Office 415 Placerville Drive, Ste "M" Placerville, CA 95667 Lake Tahoe Area	(916) 622-1410 (916) 622-1416 FAX: (916) 622-2563 (916) 514-1496
EL DORADO (Joseph W. Thompson)	South Lake Tahoe Field Office 870 Emerald Bay Rd, Suite 105 P. O. Box 10529 South Lake Tahoe, CA 96158	(916) 541-1496 FAX: 916) 544-4491
FRESNO (Frank J. Menezes)	Fresno Field Office 4625 W. Jennifer, Suite 125 Fresno, CA 93722	(209) 276-7494 FAX: (209) 487-5209
GLENN (Wendel C. Gilgert)	Willows Field Office 132 North Enright Willows, CA 95988	(916) 934-4601 FAX: (916) 934-0184
HUMBOLDT	Eureka Field Office 5630 S. Broadway Eureka, CA 95503	(707) 444-9708 FAX: (707) 444-9334
IMPERIAL (Steve L. Cameron)	El Centro Field Office 2151 Adams Ave El Centro, CA 92243	(619) 352-7886 FAX: (619) 339-9896
INYO (Mark D. Davis)	Bishop Field Office 136 Edwards Street Bishop, CA 93514	(619) 872-6111 FAX: (619) 872-1166
KERN (John M. Wright)	Bakersfield Field Office 1601 New Stine Rd, Suite 270 Bakersfield, CA 93309	(805) 861-4129 (805) 861-4120 FAX: (805) 861-4360
(John M. Wright) Bakersfield Field Office	*Techachapi Field Office 117 South Mill St., Suite 1 Techachapi, CA 94561	(805) 822-7506
KINGS (Vincent C. Moreno)	Hanford Field Office 680 Campus Drive, Suite E Hanford, CA 93230	(209) 584-9209 FAX: (209) 584-8715
LAKE (Leonard W. Kashuba)	*Lakeport Field Office 2559 Lakeport Blvd Lakeport, CA 95453	(707) 263-4180 FAX: (707) 263-1052
LASSEN (Kenneth E. Weaver)	Susanville Field Office 170 Russel Avenue, Suite I Susanville, CA 96130	(916) 257-7271 (916) 257-5252 (916) 284-7126

County	Address	Telephone
LOS ANGELES (L. Robert Dean)	Lancaster Field Office 44811 N. Date Ave, Suite G Lancaster, CA 93534 Riverside Calabasas	(805) 945-2604 FAX: (805) 942-5503 (909) 684-1552 (818) 222-4750
MADERA (Donald L. Nielsen)	Madera Field Office 425 North Gateway, Suite K Madera, CA 93637	(209) 674-2108
MARIN (Lisa Woo Shanks)	Petaluma Field Office 1301 Redwood Way, Suite 170 Petaluma, CA 94954	(707) 794-1242 (707) 794-1234 FAX: (707) 794-7902
MARIPOSA (Malia R. Oliver) (Merced Field Office)	*Mariposa Sub Office 5009 Fairgrounds Rd P. O. Box 746 Mariposa, CA 95338	(209) 966-3431 FAX: (209) 966-2056
MENDOCINO (Tom Schott)	Ukiah Field Office 405 Orchard Avenue Ukiah, CA 95482	(707) 468-9223 (707) 468-9224 FAX: (707) 462-1125
MERCED (Malia R. Oliver)	Merced Field Office 2135 Wardrobe Ave., Suite C Merced, CA 95340	(209) 723-3714 FAX: (209) 725-2964
(Malia R. Oliver) (Merced Field Office)	Los Banos Sub-Office 745 West J. Street Los Banos, CA 93635	(209) 826-5770
MODOC (Oscar G. Hernandez)	Alturas Field Office 1030 N. Main Suite 101 Alturas, CA 96101 Dorris	(916) 233-4137 FAX: (916) 233-2709 (916) 397-2555
MONO (Mark D. Davis)	Bishop Field Office 136 Edwards Street Bishop, CA 93514	(619) 872-6111 FAX: (619) 872-1166
MONTEREY (Danny R. Marquis)	*King City Field Office 426 S. Mildred Street King City, CA 93930	(408) 385-5545 FAX: (408) 385-4806
(Albert Cerna Jr.)	Salinas Field Office 635 Sanborn Place, Suite 7 Salinas, CA 93901	(408) 424-1036 (408) 424-7289
NAPA (Phillip R. Blake)	Napa Field Office 1303 Jefferson St., Ste 500B Napa, CA 94559	(707) 252-4189 FAX: (707) 252-4219

<u>County</u>	<u>Address</u>	<u>Telephone</u>
NEVADA (Ronald H. Zinke)	Grass Valley Field Office 113 Presley Way, Suite 1 Grass Valley, CA 95945 Tahoe	(916) 272-3417 FAX: (916) 477-8055 (916) 541-1496
ORANGE (Richard B. Wagoner)	*Riverside Field Office 1299 Columbia Ave., Suite E-5 Riverside, CA 92507	(909) 684-1552 FAX: (909) 683-3814
PLACER (Clifford F. Heitz)	Auburn Field Office 251 Auburn Ravine Rd, Ste 201 Auburn, CA 95603 Tahoe	(916) 823-6830 FAX: (916) 823-6830 (916) 541-1496
PLUMAS (Kenneth E. Weaver (Susanville Field Office)	Susanville Field Office 170 Russel Avenue, Suite I Susanville, CA 96130	(916) 257-7271 FAX: (916) 257-5252 (916) 284-7126
RIVERSIDE (Raul S. Alverado)	Blyth Field Office 200 East Murphy St., Rm 201 P. O. Box 610 Blyth, CA 92226-0610	(619) 922-3446 FAX: (619) 922-6988
(S. Sam Asian)	Indio Field Office 80975 Indio Blvd, Suite B-11 Indio, CA 92201	(619) 347-7658 FAX: (619) 347-4967
(Richard Wagoner)	*Riverside Field Office 1299 Columbia Ave., Suite E-5 Riverside, CA 92507	(909) 684-1552 FAX: (909) 683-3814
(Robert S. Hewitt)	*San Jacinto Field Office 711 C. West Esplanade, Ste C San Jacinto, CA 92582	(909) 654-7733 FAX: (909) 654-3157
SACRAMENTO (Herbert S. Cook)	Sacramento Field Office 65 Quinta Court, Suite C Sacramento, CA 95823	(916) 682-7844 (916) 682-7845 FAX: (916) 689-8871
SAN BENITO (Jeffrey R. Rodriquez)	Gilroy Field Office 8352 Church Street, Suite D Gilroy, CA 95020	(408) 636-8029 (408) 385-5545 FAX: (408) 847-3026
SAN BERNARDINO (James R. Earsom)	Redlands Field Office 25809-B Business Center Drive Redlands, CA 92374	(909) 799-7407 FAX: (909) 799-1438
(J. Rick Aguayo)	Apple Valley Field Office 18484 Highway 18, Ste. 195 Apple Valley, CA 92307-2306 Riverside	(619) 242-2906 FAX: (619) 242-0203 (909) 684-1552

<u>County</u>	<u>Address</u>	<u>Telephone</u>
SAN DIEGO	*El Cajon Field Office 1132 North Second Street El Cajon, CA 92021	(619) 442-0559 (619) 442-2917
(Jason N. Jackson)	Escondido Field Office 332 S. Juniper St, Ste 110 Escondido, CA 92025	(619) 745-2061 (619) 745-3210
(Victor W. Smothers)	*Fallbrook Sub-Office 1181 East Mission Street Fallbrook, CA 92028-2231	(619) 728-1332 FAX: (619) 723-5316
SAN FRANCISCO (Richard J. Casale) (Aptos Field Office)	Half Moon Bay Sub-Office 785 Main Street, Ste C Half Moon Bay, CA 94109	(415) 726-4660 FAX: (415) 726-0494
SAN JOAQUIN (David R. Simpson)	Stockton Field Office 1222 Monaco Court, No. 23 Stockton, CA 95207	(209) 946-6229 (209) 946-6248 FAX: (209) 946-6036
SAN LUIS OBISPO (C. Scott Robbins)	*Morro Bay Field Office 545 Main Street, Suite B-1 Morro Bay, CA 93442	(805) 772-4391 FAX: (805) 772-4398
(Boyd W. Desonia)	Paso Robles Field Office 610 Tenth Street, Suite B Paso Robles, CA 93446	(805) 238-0934 FAX: (805) 238-9405
SAN MATEO (Richard J. Casale) (Aptos Field Office)	Half Moon Bay Sub-Office 785 Main Street, Ste C Half Moon Bay, CA 94109	(415) 726-4660 FAX: (415) 726-0494
SANTA BARBARA (Gerald Czarnechi)	Santa Maria Field Office 624-B West Foster Rd. Suite 1 Santa Maria, CA 93455	(805) 937-6363 (805) 937-6364 FAX: (805) 937-3053
SANTA CLARA (Edward N. Denton)	*Gilroy Field Office 8352 Church Street, Suite D Gilroy, CA 95020	(408) 847-4161 FAX: (408) 847-3026
SANTA CRUZ (Richard J. Casale)	*Aptos Field Office 3233 Valencia Avenue, Ste B-6 Aptos, CA 95003	(408) 688-1562 (408) 688-1563 FAX: (408) 685-3602
SHASTA (Robert M. Bailey)	Redding Field Office 3179 Bechelli Lane, Suite 107 Redding, CA 96002-2041	(916) 246-5252 FAX: (916) 246-5164
SIERRA (Kenneth E. Weaver)	Susanville Field Office 170 Russel Avenue, Suite I Susanville, CA 96130	(916) 257-7271 FAX: (916) 257-5252

<u>County</u>	<u>Address</u>	<u>Telephone</u>
SISKIYOU (Kevin A. Conroy)	*Dorris Field Office 308 Main Street P. O. Box 785 Dorris, CA 96023	(916) 397-2555 FAX: (916) 397-3307
(Jennifer Foster)	Yreka Field Office 215 Executive Ct. Suite A Yreka, CA 96097	(916) 842-6121 (916) 842-1027
SOLANO (Walter Cheechov)	Dixon Field Office 1170 N. Lincoln, Suite 110 Dixon, CA 95620	(916) 678-1655
SONOMA (Richard J. King)	*Santa Rosa Field Office 777 Sonoma Ave., Rm 2-12 Santa Rosa, CA 95404	(707) 575-1409 (707) 575-0787
STANISLAUS (Mike A. McElhiney)	*Patterson Field Office 218 North El Circulo Patterson, CA 953663-2521	(209) 892-6193 (209) 892-6689 FAX: (209) 892-5136
SUTTER (Ernst D. Paschke)	Yuba City Field Office 1511 Butte House Rd., Suite B Yuba City, CA 95993	(916) 674-1461 (916) 674-1480 FAX: (916) 673-5360
TEHAMA (Mark S. Parsons)	Red Bluff Field Office 2 Sutter Street, Suite D Red Bluff, CA 96080	(916) 527-4231 FAX: (916) 527-7451
TRINITY (James F. Spear)	Weaverville Field Office No. 3 Horseshoe Lane P. O. Box 1414 Weaverville, CA 96093	(916) 623-3991 FAX: (916) 623-2353
TULARE (Curtis Tarver)	Visalia Field Office 3135 S. Mooney Blvd., Suite C Visalia, CA 92377	(209) 732-9163 FAX: (209) 732-2805
TUOLUMNE (Mike A. McElhiney) (Patterson Field Office)	Patterson Field Office 218 North El Circulo Patterson, CA 95363-2521	(209) 892-6193 FAX: (209) 892-5136
VENTURA (Stephen Jewett)	Somis Field Office 3380 Somis Road P. O. Box 260 Somis, CA 93066	(805) 386-4489 FAX: (805) 386-4489
YOLO (J. Phillip Hogan)	Woodland Field Office 221 West Ct. Street, Suite 5 Woodland, CA 95695	(916) 662-2037 FAX: (916) 662-4876

County	Address	Telephone
YUBA (Ernst D. Paschke)	Yuba City Field Office 1511 Butte House Road, Ste. B Yuba City, CA 95993	(916) 674-1461 (916) 674-1480 FAX: (916) 673-5360

*Field Offices that are subject to closure.

NATURAL RESOURCES
CONSERVATION SERVICE
LOCKFORD PLANT MATERIALS CENTER
21001 North Elliot Road
P. O. Box 68
Lockford, CA 95237
(David A. Dyer, Manager)

Telephone: (209) 727-5319
FAX: (209) 727-5923

California Association of Resource
Conservation Districts
1524 17th Street
Sacramento, CA
(Julie Spezia, Executive Director)

Telephone: (916) 447-7237
FAX: (916) 447-2532

WETLANDS MAPS
United States Department
of the Interior
Fish and Wildlife Services
June Deweese (916) 979-2113
1-800 USAMAPS
\$3.50 each - 2-3 weeks delivery time

QUADRANGLE MAPS
United States Department
of the Interior
Geological Survey
Menlo Park
(415) 853-8300

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STATE OF CALIFORNIA - THE RESOURCES AGENCY

PETE WILSON, Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624
FAX (916) 653-9824**INFORMATION CENTERS OF THE
HISTORICAL RESOURCES INFORMATION SYSTEM**

The following institutions are under agreement with the Office of Historic Preservation to:

1. Integrate newly discovered Resources and information on known Resources into California Historical Resources File System;
2. Supply information on known Resources and surveys to government, institutions, and individuals who have a justifiable need to know; and
3. Supply a list of consultants who are qualified to do archeological field work within their area.

COORDINATORS: Mr. William C. Seidel, Staff Archeologist, (916) 653-9125
Ms. Jan Wooley, Staff Historian, (916) 653-9019

<u>INFORMATION CENTERS</u>	<u>COUNTIES</u>	<u>INFORMATION CENTERS</u>	<u>COUNTIES</u>
Dr. David A. Fredrickson, Coordinator Northwest Information Center Department of Anthropology Sonoma State University Rohnert Park, CA 94928 Attn.: Leigh Jordan (707) 664-2494 Fax (707) 664-3947	Alameda, Colusa, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Yolo	Dr. Michael A. Glassow, Coordinator Central Coastal Information Center Department of Anthropology University of California, Santa Barbara Santa Barbara, CA 93106 (805) 893-2474	San Luis Obispo, Santa Barbara
Dr. Mark Kowta, Coordinator Northeast Information Center Department of Anthropology, Colusa 103 California State University, Chico Chico, CA 95929-0400 Attn.: Bill Dreyer (916) 898-6256 Fax (916) 898-6824	Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity	Dr. Lynn Christenson, Coordinator South Coastal Information Center Social Sciences Research Laboratory San Diego State University San Diego, CA 92182-0436 Attn.: Jan Culbert (619) 594-5682 Fax (619) 594-1358	San Diego
Dr. Jerald J. Johnson, Coordinator North Central Information Center Department of Anthropology California State University, Sacramento 6000 J Street Sacramento, CA 95819-6106 Attn.: Marianne Russo (916) 278-6217 Fax (916) 278-5162	Amador, El Dorado, Nevada, Placer, Sacramento, Yuba	Robin Laska, Acting Coordinator San Bernardino Archeological Information Center San Bernardino County Museum 2024 Orange Tree Lane Redlands, CA 92374 (909) 792-1497 Fax (909) 798-8585	San Bernardino
Ms. Elizabeth A. Greathouse, Coordinator Central California Information Center Department of Anthropology California State University, Stanislaus 801 Monte Vista Avenue Turlock, CA 95380 Attn.: Alice Lawrence (209) 667-3307 Fax ((209) 667-3333	Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus, Tuolumne	Dr. M. C. Hall, Coordinator Eastern Information Center Department of Anthropology University of California Riverside, CA 92521 (909) 787-5745 Fax (909) 787-5409	Inyo, Mono, Riverside
Ms. Catherine Lewis Pruett, Coordinator Southern San Joaquin Valley Information Center California State University, Bakersfield 9001 Stockdale Highway Bakersfield, CA 93311-1099	Fresno, Kern, Kings, Madera, Tulare	Mr. Jay Von Werlhof, Coordinator Southeast Information Center Imperial Valley College Museum P.O. Box 3490 El Centro, CA 92244 Attn.: Ray Wilcox	Imperial

INFORMATION CENTERS

COUNTIES

INFORMATION CENTERS

COUNTIES

(805) 664-2289
Fax (805) 664-3194

(619) 352-9320 Ext.
471

Ms. Phyllisa Eisentraut,
Coordinator
South Central Coastal Information
Center
Institute of Archeology
University of California, Los
Angeles
Los Angeles, CA 90024-1510
(310) 825-1980
Fax (310) 206-4723

Los Angeles, Orange, Ventura

PROGRAMMATIC CATEGORICAL EXCLUSION

The California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) concur in advance with the classification of those types of Categorical Exclusions (CEs), identified in 23 CFR 771.117(d) with no environmental impacts. Caltrans certifies that all the conditions indicated in this blanket classification will be satisfied for all of the projects processed under this programmatic classification and approval process.

Additional actions which qualify as CEs under 23 CFR 771.117(d), and which meet the criteria of 23 CFR 771.117(a), may be designated as CEs upon the submission of documentation which demonstrates that the specific conditions of criteria for those CEs are satisfied, and that significant environmental impacts will not result.

The following conditions apply to actions qualifying for Categorical Exclusion under 23 CFR 771.117(d), and must be considered prior to processing a project under the Nationwide or Programmatic Categorical Exclusion. If one or more of the conditions are not satisfied, the project must be processed with a separate environmental document (demonstrating the specific conditions support the classification), for FHWA approval.

1. The action does not have any significant environmental impacts as described in 23 CFR 771.117(a);
2. The action does not involve unusual circumstances as described in 23 CFR 771.117(b);
3. The action does not involve the following:
 - a. The acquisition of more than minor amounts of temporary or permanent strips of right of way for construction of such items as clear vision corners and grading. Such acquisitions will not require any commercial or residential displacements.
 - b. The use of properties protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. 303).
 - c. A determination of adverse effect by the State Historic Preservation Officer.
 - d. Any U.S. Coast Guard construction permits or any U.S. Army Corps of Engineers Section 404 permits [other than nationwide (blanket) permits].
 - e. Any work in wetlands.
 - f. Any work permanently encroaching on a regulatory floodway or any work affecting the base floodplain (100-year) elevations of a water course or lake.
 - g. Construction in, across, or adjacent to a river designated as a component or proposed for inclusion in the National System of Wild and Scenic Rivers published by the U.S. Department of the Interior/U.S. Department of Agriculture.
 - h. Any changes in access control.
 - i. The use of a temporary road, detour or ramp closure unless the use of such facilities satisfy the following conditions:
 - (1) Provisions are made for access by local traffic and so posted.
 - (2) Through-traffic dependent business will not be adversely affected.

- (3) The detour or ramp closure, to the extent possible, will not interfere with any local special event or festival.
 - (4) The temporary road, detour, or ramp closure does not substantially change the environmental consequences of the action.
 - (5) There is no substantial controversy associated with the temporary road, detour, or ramp closure.
- j. Any known hazardous materials sites or hazardous materials remains within the right of way.
- 4. The action conforms to the Air Quality Implementation Plan which is approved or promulgated by the Environmental Protection Agency in air quality nonattainment areas.
 - 5. The action is consistent with the State's Coastal Zone Management Plan.
 - 6. The action does not affect federally listed endangered or threatened species or critical habitat.

All determinations made by Caltrans under this blanket classification will be documented. The documentation will be available for FHWA review upon request.

A list of individual projects classified under this blanket classification will be furnished to the FHWA Division Office prior to final design activities, property acquisition (with the exception of hardship and protective buying), or project construction.

CALTRANS DETERMINATION:

The action to which this determination applies is a Categorical Exclusion.

(original signed by)
William Blackmer
Chief, Caltrans Environmental Analysis

9/5/90
Date

FHWA DETERMINATION:

Based on the evaluation of this proposal, it is determined that it meets the criteria of and is properly classified as a Categorical Exclusion.

(original signed by)
Bruce E. Cannon
FHWA Division Administrator

9/7/90

**Categorical Exemption/Categorical Exclusion
Programmatic Categorical Exclusion (CE/CE/PCE) Form**

**CATEGORICAL EXEMPTION
CATEGORICAL EXCLUSION/PROGRAMMATIC CATEGORICAL EXCLUSION
DETERMINATION FORM**

Dist.-Co.-Rte. (or Local Agency)

K.P./K.P.(P.M/P.M..) E.A. (State project)

Proj. No. (Local project)
(Fed.Prog. Prefix
Proj. No., Agr. No.)

PROJECT DESCRIPTION: (Briefly describe project, purpose, location, limits, right-of-way requirements, and activities involved.)

Enter project description in this text box.

CEQA COMPLIANCE (for State Projects only)**Categorical Exemption** (See 14 CCR 15300 et seq.)

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

CALTRANS CEQA DETERMINATION☐ **Exempt by Statute** (PRC 21080)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

☐ **Categorically Exempt.** Class ____ , or ☐ **General Rule exemption** (This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment [CCR 15061(b)(3)])

Signature: Environmental Office Chief

Date

Signature: Project Manager

Date

NEPA COMPLIANCE (23 CFR 771.117)**CATEGORICAL EXCLUSION**

- This project does not have a significant impact on the environment as defined by the NEPA.
- This project does not involve substantial controversy on environmental grounds.
- This project does not involve significant impacts on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act.
- In nonattainment or maintenance areas for Federal air quality standards: this project comes from a currently conforming plan and Transportation Improvement Program or is exempt from regional conformity.
- This project is consistent with all Federal, State, & local laws, requirements or administrative determinations relating to the environmental aspects of this action.

PROGRAMMATIC CATEGORICAL EXCLUSION
☐ Based on the evaluation of this project and supporting documentation in the project files, all the conditions of the September 7, 1990 Programmatic Categorical Exclusion have been met.
CALTRANS NEPA DETERMINATION

Based on an examination of this proposal, supporting information, and the above statements, it is determined that the project is a:

☐ **Categorical Exclusion**☐ **Programmatic Categorical Exclusion**

Signature: Environmental Office Chief
(for all State & Local CEs)

Date

Signature: Project Manager/DLA Engineer
(PM: for all State CEs / DLAE: for Local Asst.PCEs)

Date

FHWA DETERMINATION (if applicable)

Based on the evaluation of this project and the statements above, it is determined that the project meets the criteria of and is properly classified as a Categorical Exclusion.

Signature: FHWA Transportation Engineer

Date

☐ Additional information attached or referenced, as appropriate (e.g. Mitigation commitments **for NEPA only** ; Air Quality studies and documentation of exemption from regional conformity or use of CO Protocol; §106 commitments; §4(f) or Programmatic §4(f); date of COE nationwide permit; § 7 species survey results; Wetlands Finding; Floodplain Finding; additional studies; design conditions. **Rev. 8/2000**

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Instructions for Categorical Exemption Form

This form shall be used by Caltrans staff for documenting Categorical Exemptions and Categorical Exclusions (CE) for projects on the State Highway System and for federal-aid projects on local streets and roads. The form combines the CEQA Categorical Exemption documentation for State projects and the NEPA Categorical Exclusion documentation, including Programmatic Categorical Exclusions.

CEQA COMPLIANCE

Local agencies are not required to complete the CEQA Compliance or CEQA Determination portions of this form.

For State Projects:

Include the project's District/County/Route, Kilometer Post and Post Mile information, and the Expense Authorization. The project description should be brief but include the information noted in the parentheses. An additional sheet may be attached to the form if necessary.

If the project is exempt from CEQA by statute (See Public Resources Code Section 21080), check the "Exempt by Statute" box in the Caltrans CEQA Determination box as documentation.

The conditions listed under "CEQA Categorical Exemption" are declarations of fact. To be categorically exempt, the project must meet all of the listed conditions. Indicate the CE Class number from the CEQA Guidelines or the general rule exemption [Title 14 CCR 15061(b)(3)]. The Environmental Office Chief's and Project Manager's signatures in the CEQA Determination box attest that the project meets all of the conditions and is properly classified as a Categorical Exemption.

If there is no federal involvement in the project, write "not applicable" in the Caltrans NEPA determination box.

NEPA COMPLIANCE

For All Projects with Federal Involvement:

Compliance with NEPA is required whenever there is federal involvement in the project. Federal involvement may include funding, any type of approvals or permits, changes in access control, or connection to the Interstate system.

Categorical Exclusions

State and Local Programs projects must meet all five declarations of fact listed under Categorical Exclusion on the CE form.

- The Environmental Office Chief (or designee) checks the Categorical Exclusion space in the Caltrans NEPA Determination Box.
- The Environmental Office Chief (or designee) and Project Manager (the District Local Assistance Engineer for local projects off the state highway system) signs in the NEPA Determination Box to confirm that the project meets the conditions of a CE.
- The FHWA Transportation Engineer (or designee) validates the determination, signs and dates in the FHWA Determination space.

Programmatic Categorical Exclusions

State and Local Programs projects must meet all five conditions listed under Categorical Exclusion and all conditions included in the September 7, 1990 Programmatic Categorical Exclusion (PCE) agreement.

Projects that would otherwise meet the criteria of a PCE but which involve technical studies that require FHWA action or approvals shall not be processed as a PCE, but shall be treated as a CE.

**Instructions for Completing the Categorical Exemption/Categorical Exclusion/
Programmatic Categorical Exclusion (CE/CE/PCE) Determination Form**

For Local Programs Projects (off the State Highway System)

- The DLAE makes the determination that the project has met all CE criteria and all the conditions of the September 7, 1990 Programmatic CE agreement. (Note: In accordance with the February 9, 1998 Van Loben Sels letter to FHWA, "the DLAE will determine the appropriate environmental staff involvement to assure that the conditions of the Programmatic agreement have been met. When environmental staff assistance is required, their involvement will be documented but it is not required for all projects.")
- The DLAE checks the Programmatic Categorical Exclusion space and signs in the NEPA Determination box.
- The FHWA Transportation Engineer does not sign the PCE.

Projects on the State Highway System:

- The Environmental Office Chief makes the determination that the project has met all CE criteria and all the conditions of the September 7, 1990 Programmatic CE agreement.
- The Environmental Office Chief and the Caltrans Project Manager sign in the Caltrans NEPA Determination box.
- The FHWA Transportation Engineer does not sign the PCE.

Additional Information

Documentation of compliance with other laws or requirements may be necessary to support a Categorical Exclusion or Programmatic Categorical Exclusion. Certain items shall be attached to the CE form and others may simply be summarized and referenced, as follows:

Attachments:

- Pursuant to Executive Order 11998 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands), a Floodplain Finding or Wetlands Finding, respectively, may be required and, if so, shall be attached to the CE form.
- A NEPA Categorical Exclusion determination may include commitments to mitigation measures or design conditions. If commitments to mitigation measures are made in compliance with NEPA or related laws or requirements, a complete list shall be attached to the CE form.

Conclusions of Other Documentation:

- Documentation of compliance with Section 106 of the National Historic Preservation Act is required if historic resources, as defined in 36 CFR 800.2(e), are involved in the project. If so, attach the conclusion of Section 106 compliance.
- Under the Clean Air Act of 1990, projects in non-attainment and maintenance areas for transportation-related pollutants that are not exempt from Conformity Analysis under 40 CFR 93.126 or Regional Emissions Analysis Requirements under 40 CFR 93.127 require a project level Air Quality study. If an Air Quality study was required, attach its conclusions.
- If the project involves Waters of the United States, as defined in the Clean Water Act of 1977 (33 USC 1251-1376), and meets the requirements of a Section 404 Nationwide Permit, indicate which permit applies and its effective date.
- For State Highway System projects, if the project involves Waters of the United States, as defined in the Clean Water Act, and requires an individual permit, attach the conclusions of coordination with the Army Corps of Engineers pursuant to the 1994 Memorandum of Understanding for the National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects in

**Instructions for Completing the Categorical Exemption/Categorical Exclusion/
Programmatic Categorical Exclusion (CE/CE/PCE) Determination Form**

Arizona, California, and Nevada.

- Documentation of compliance with the Endangered Species Act may also be required. If so, attach the conclusions of the biological survey.
- A Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation may be required when the project “uses” land from a publicly-owned public park, recreation area or wildlife or waterfowl refuge, or from a historic site, as defined in 49 USC 303 and 23 CFR 771.135. The Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation must be approved prior to the CE determination. If a Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation was required, attach its conclusion.

CEQA does not allow mitigation of significant impacts under a Categorical Exemption. If the project requires mitigation to reduce a significant environmental impact below the level of significance, a Mitigated Negative Declaration must be prepared for CEQA compliance. Project features or design conditions, however, may be incorporated into the project to ensure that the requirements of a Categorical Exemption are satisfied. Any such project features or design conditions must be included in the description of the project.

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**ACTIONS WHICH MEET THE CRITERIA FOR A CE IN ACCORDANCE WITH
40 CFR 1508.4 AND 23 CFR 771.117(A) AND NORMALLY DO NOT
REQUIRE ANY FURTHER NEPA APPROVALS BY FHWA**

- (1) Activities which do not involve or lead directly to construction, such as planning and technical studies; grants for training and research programs; research activities as defined in 23 U.S.C. 307; approval of a unified work program and any findings required in the planning process pursuant to 23 U.S.C. 134; approval of statewide programs under 23 CFR Part 630; approval of project concepts under 23 CFR Part 476; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system.
- (2) Approval of utility installations along or across a transportation facility.
- (3) Construction of bicycle and pedestrian lanes, paths, and facilities.
- (4) Activities included in the State's "highway safety plan" under 23 U.S.C. 402.
- (5) Transfer of Federal lands pursuant to 23 U.S.C. 317 when the subsequent action is not an FHWA action.
- (6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
- (7) Landscaping.
- (8) Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition; or traffic disruption will occur.
- (9) Emergency repairs under 23 U.S.C. 25.
- (10) Acquisition of scenic easements.
- (11) Determination of payback under 23 CFR Part 480 for property previously acquired with Federal-aid participation.
- (12) Improvements to existing rest areas and truck weigh stations.
- (13) Ridesharing activities.
- (14) Bus and rail car rehabilitation.
- (15) Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
- (16) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
- (17) The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
- (18) Track and railbed maintenance and improvements when carried out within the existing right of way.
- (19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
- (20) Promulgation of rules, regulations, and directives.

The above list has been taken from 23 CFR 771(c).

**Actions Which Meet the Criteria for a CE in Accordance
with 40 CFR 1508.4 and 23 CFR 771.117(a) and Normally
Do Not Require Any Further NEPA Approvals by FHWA**

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**ADDITIONAL ACTIONS WHICH MEET THE CRITERIA FOR A CE IN
ACCORDANCE WITH 40 CFR 1508.4 AND 23 CFR 771.117(A) AND
WHICH MAY BE DESIGNATED AS A CE ONLY AFTER FHWA APPROVAL ***

- (1) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing)
- (2) Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
- (3) Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.
- (4) Transportation corridor fringe parking facilities.
- (5) Construction of new truck weigh stations or rest areas.
- (6) Approvals for disposal of excess right of way or for joint or limited use of right of way, where the proposed use does not have significant adverse impacts.
- (7) Approvals for changes in access control.
- (8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
- (9) Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
- (10) Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
- (11) Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.
- (12) Acquisition of land for hardship or protective purposes: advance land acquisition loans under Section 3(b) of the UMT Act. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisitions qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.

The above list has been taken from 23 CFR 771(d).

- * Local agencies shall submit documentation demonstrating that the specific conditions or criteria for a CE have been satisfied for these types of actions and that significant environmental effects will not result.

**Additional Actions Which Meet the Criteria for a CE in
Accordance with 40 CFR 1508.4 and 23 CFR 771.117(a) and
Which May Be Designated as a CE Only After FHWA Approval**

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**SAMPLE TRANSMITTAL LETTER
TO THE DISTRICT LOCAL ASSISTANCE ENGINEER***Local Agency Letterhead*

Department of Transportation
District ____

Attn: _____
Local Assistance Engineer

Date:
Project:
Federal Project #:
Description:

(Local Agency) is proposing to _____
(brief description of project).

The following items are provided for your review and consideration.

- ☐ PES FORM (COMPLETED & SIGNED)
- ☐ PROGRAMMATIC CATEGORICAL EXCLUSION/CATEGORICAL EXCLUSION DETERMINATION (FORM), CONTAINING THE FOLLOWING:
 - ☐ A DETAILED DESCRIPTION OF THE PROJECT LOCATION/SETTING (INCLUDING LAND USES)
 - ☐ DETAILED DESCRIPTION OF PROJECT AND PURPOSE
 - ☐ MAP (SHOWING PROJECT AREA, PROJECT LIMITS AND RIGHT OF WAY OWNERSHIP)
 - ☐ RESEARCH FINDINGS/FIELD NOTES AND ANY CORRESPONDENCE FROM RESOURCE AND/OR REGULATORY AGENCIES USED TO ANSWER QUESTIONS ON PES FORM
- ☐ MINIMAL AREA OF POTENTIAL EFFECT (APE) (IF APPLICABLE)
- ☐ FIELD REVIEW FORM

If additional information is needed, please contact _____ at _____.

Distribution:

Original: District Local Assistance Engineer
Copy: Local Agency Project Files

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SECTION 4(F) EVALUATION - EARLY COORDINATION MEETING - SUGGESTED POINTS FOR DISCUSSION

1. Section 4(f) property in question is a:

- ☐ Publicly Owned Public Park
- ☐ Publicly Owned Public Recreation Area
- ☐ Publicly Owned Wildlife and Waterfowl Refuge
- ☐ Land from a Historic Site

2. Briefly discuss the potentially applicable Programmatic Section 4(f) Evaluations or Transportation Enhancement Section 4(f) Applicability Interim Guidance that are available. FHWA may initially determine that one of the following Programmatic Evaluations applies:

- ☐ 1 - Bikeways and Walkways in Parklands Programmatic Section 4(f)
- ☐ 2 - Historic Bridge Programmatic Section 4(f)
- ☐ 3 - Minor Use of Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges Programmatic Section 4(f)
- ☐ 4 - Minor Use of Historic Properties, deemed to have “no affect” or “no adverse effect” Programmatic Section 4(f)
- ☐ 5 - Transportation Enhancement Activities (TEA) projects (park official is project applicant) Interim Guidance Applicability of Section 4(f)

NOTE: The documentation necessary to utilize the Programmatic Section 4(f) Evaluations parallels that of the Individual Section 4(f) Evaluation document, however, approval authority for Programmatic Section 4(f) Evaluations has been delegated to the FHWA Division Administrator. Programmatic Section 4(f) Evaluations eliminate requirement to circulate Evaluations to Federal agencies which do not have jurisdictional authority over the Section 4(f) properties.

Eligibility for a Programmatic Section 4(f) Evaluation does not eliminate the need for full documentation and analysis to document meeting the conditions of the Individual Section 4(f) Evaluation. FHWA’s role does not change if the conditions of a Programmatic Section 4(f) Evaluation can be met.

3. Discuss project specifics and possible alternatives to avoid or minimize use of Section 4(f) properties.
4. Purpose of the Section 4(f) Evaluation:
- (1) To evaluate a project’s use (Fee Simple/Permanent Easement/Temporary Easement/ Constructive Use) of the Section 4(f) land
 - (2) Document the considerations, consultations and alternative studies for a determination that there are no prudent and feasible alternatives to the use of “Section 4(f) type land.”
 - (3) Support a determination that the proposed action includes all possible planning to minimize harm to the affected land.
 - (4) Document the required consultation process with the Department of Interior (DOI), Housing and Urban Development (HUD), and Agriculture (USDA).

Note: Neither the local agency nor Caltrans may make a Section 4(f) decision. The local agency is responsible for identifying potential Section 4(f) resources and providing documentation that clearly supports a “no Section 4(f) determination” and/or the applicability of a “Programmatic Section 4(f).” The local agency shall not proceed with a document containing these determinations in advance of consultation with FHWA.

Refer to the Federal Highway Administration California Division Environmental Checklist “Draft” Environmental Documents and Technical Advisory (TA) T6640.8A (both available from the DLAE) for content and format requirements. Refer to Exhibits 6-T and 6-U for complete and sufficient checklists.

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**CULTURAL RESOURCE REPORTS -
EARLY COORDINATION MEETING - SUGGESTED POINTS FOR DISCUSSION**

- ☐ An Area of Potential Effect (APE) map for Section 106 purposes shall be prepared by the local agency, reviewed and concurred in by Caltrans and approved and signed by FHWA.

NOTE: FHWA approval of the APE map is recommended before surveys are begun. If not, the APE should be consistent with the FHWA guidelines to minimize potential necessity for additional survey work or revisions to the studies to eliminate extraneous survey work.

- ☐ The local agency shall prepare all reports (containing their findings) and submit the four copies of each report to the DLAE for transmittal to FHWA.
- ☐ The content and format of each report shall be in accordance with the procedures/ process prescribed below:

- ☐ **HISTORIC PROPERTY SURVEY REPORT (HPSR)**

- ☐ Report format and content shall follow LPM Vol 3, Appendix F, page 22.

- Cautionary Notes:

- ☐ The report shall NOT discuss resources outside the APE unless there is good reason.
 - ☐ If project will result in no effect, it is possible to combine the HPSR and Effect into one document.
 - ☐ Caltrans, FHWA, SHPO and ACHP and the Regional Archaeological Clearinghouses need to know where the archaeological sites are location. However, if the report is circulated to the public, any text or maps that disclose the location of the site shall be removed prior to circulation.

- ☐ **REQUEST FOR DETERMINATION OF ELIGIBILITY**

- ☐ A Request for Determination of Eligibility shall be made for each property having potential for listing in the National Register. Information relevant to each property shall be separate to facilitate processing a determination of eligibility for each property separately.
- ☐ Request format and content shall follow LPM Vol 3, Appendix F.

- Cautionary Note:

- ☐ If excavation or test holes are undertaken for archaeological investigations, the designated representative from the local Native American group shall be present.

- ☐ **DETERMINATION OF EFFECT**

- ☐ Format and content shall follow LPM Vol 3, Appendix F.

- ☐ **DEVELOPMENT OF MITIGATION AND THE MOA**

Note: Section 106 consultation with the SHPO and the ACHP is FHWA's responsibility. The local agency, with Caltrans' assurance of adequacy, is responsible for preparation of the applicable documents. Refer to the Federal Highway Administration California Division Environmental Checklist "Draft" Environmental Documents and Technical Advisory (TA) T6640.8A (both available from the DLAE) for content and format requirements. Refer to Exhibits 6-V through 6-X for applicable complete and sufficient checklists.

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BIOLOGICAL ASSESSMENT FOR SECTION 7 - EARLY COORDINATION MEETING - SUGGESTED POINTS FOR DISCUSSION

☐ CONTENT OF TECHNICAL REPORT

Local agency shall prepare a report, containing the information typically requested by the United States Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) to fulfill their respective Federal endangered species act consultation requirements. The report must be suitable for submittal as a Biological Assessment under the Endangered Species Act Section 7 consultation requirements.

Note: State only endangered species are not included in Section 7 consultation.

☐ METHODOLOGY

Local agency shall utilize field procedures recommended by the responsible agency and conduct the necessary general/specific surveys during the appropriate time of year.

☐ REQUEST FOR LIST OF SPECIES

Local agency will request a species list from CDFG. All requests for information from the USFWS and NMFS shall be processed through the DLAE.

☐ DETERMINING THE PRESENCE OR ABSENCE OF SPECIES

Local agency shall conduct the necessary field studies to characterize and evaluate flora and fauna on the project site. The primary emphasis will be to identify listed or proposed Threatened or Endangered plant/animal species and/or their designated or proposed critical habitat.

☐ MEASURES TO AVOID/MINIMIZE ADVERSE IMPACTS

Local agency shall recommend mitigation measures to reduce potential significant impacts to biological resources (including but not limited to avoidance, design, modification, realignment, or compensation replacement). The scope of work does not have to include species design details.

☐ DOCUMENTING CORRESPONDENCE FROM RESPONSIBLE AGENCIES

Local agency shall include all correspondence sent to and received from the CDFG, USFWS, and NMFS regarding the results of the request for species list and the survey results. Note: Consultation under Section 7 is FHWA's responsibilities, as lead agency, not the Corps of Engineers or other Federal agency unless specifically agreed to by FHWA. Section 9 or Section 10 consultation does not substitute for Section 7 consultation. If Section 9 or Section 10 consultation has occurred, a separate Section 7 consultation by FHWA must nevertheless be performed. Local agencies and their consultants have not been designated the non-Federal representative by FHWA. Only State DOT's have this delegation. That means that only Caltrans can perform informal consultation with USFWS or NMFS on behalf of FHWA. Again, even Caltrans is not delegated formal consultation.

FWS is issuing Programmatic Section 7 consultations for certain species to Federal agencies when those Federal agencies request such consultations. They do not preclude the necessity for consultation under Section 7 for the individual project; they merely reduce the paperwork and timeframe for FWS response to the FHWA request for consultation.

The local agency transmittal letter to the DLAE (requesting review and processing) should include a listing of the listed, proposed and candidate Federal endangered species that are potentially present in the project area, the impacts of the project on each species and the type of consultation we are doing, that is, informal consultation for a "not likely to adversely effect"; formal consultation for a "no jeopardy finding," or conferencing for a "candidate species." Section 7 consultation for endangered anadromous fish.

Refer to the Federal Highway Administration California Division Environmental Checklist "Draft" Environmental Documents and Technical Advisory (TA) T6640.8A (available from the DLAE) for content and format requirements. Refer to Exhibit 6-Y for complete and sufficient checklist.

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WETLANDS REPORT - EARLY COORDINATION MEETING - SUGGESTED POINTS FOR DISCUSSION

At a minimum, the local agency shall:

- ☐ Determine if “wetlands” are present within the project area. The definition of wetlands on a project shall be in accordance with the definition issued by U.S. Army Corps of Engineers (33 CFR 323.2(c)).

The determination shall be made by a biologist with wetland evaluation experience.

Wetland survey(s) shall be undertaken during the appropriate time of year (preferably February, March, and/or April).

- ☐ Determine exact wetland boundaries affected by the project

If wetlands will be affected by the project, the local agency shall:

- ☐ Undertake a Wetland Evaluation in accordance with LPM Vol 3, Appendix H, Sections II & III.
- ☐ Prepare the Wetland Evaluation consistent with the format and content prescribed in LPM Vol, 3, Appendix H, Section IV. Refer to Exhibit 6-Z for a complete and sufficient checklist.
- ☐ Summarize the results of the Wetland Evaluation in the appropriate Environmental Document. Refer to the Federal Highway Administration California Division Environmental Checklist “Draft” Environmental Documents (available from the DLAE) to ensure a complete and sufficient submittal..
- ☐ Prepare a public notice and invite public comment.

If the proposed action will require construction in wetlands, the local agency shall:

- ☐ Prepare the formal “Wetlands Only Practicable Alternative Finding” in accordance with LPM, Vol 3, Appendix H, Section VI.

Local agency shall provide the DLAE with three (3) complete copies of the Wetland Study (Technical Report) and three (3) copies of the Environmental Document containing a summary of the Wetland Study.

NOTE: FHWA is responsible for making the wetlands finding. This is not a finding that is delegated to any other agency. Therefore, FHWA must evaluate any action which involves a wetland impact.

The NEPA/404 MOU process needs to be followed if a wetlands involvement meets the MOU threshold for applicability.

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FLOODPLAIN REPORT - EARLY COORDINATION MEETING - SUGGESTED POINTS FOR DISCUSSION

- ☐ A Floodplain Report or Floodplain Risk Assessment is required, by FHWA, when Preliminary Environmental Studies (PES), Question #5, indicates a proposed project may encroach on a National Flood Insurance Program (NFIP) established (100-year) base floodplain.
- ☐ The minimum required content of the report shall be as prescribed in 23 CFR 650A, Section 650.111(b)(c)(d). Additional information regarding the format and content of the report is provided in the LPM Vol III, Appendix J, Exhibit 6-AA of this chapter and in the Federal Highway Administration California Division Environmental Checklist "Draft" Environmental Document (available from the DLAE).

☐ DISCUSSION OF IMPACTS

Determination of floodplain impacts shall be based on a Location Hydraulic Study and address each alternative, as follows:

- The degree of encroachment associated with each alternative.
 - The significant potential for flood related property loss or hazard to human life
 - The significant impact on natural or beneficial floodplain values
 - The significant potential for interruption or termination of communities, only evacuation route, or facility needed for emergency vehicle
 - The project's consistency with community floodplain development plan
- ☐ WHEN THE STUDY CLEARLY INDICATES NO IMPACT and the proposed action is to be processed with a Categorical Exclusion, the Summary Flood Plain Encroachment form (provided at LPM Vol III, Appendix, Attachment 2) may be used to summarize the flood plain evaluation. Instructions for completing the form are provided in the LPM, Vol III, Appendix J, page 6, Section IV.
- ☐ WHEN THE STUDY CLEARLY INDICATES THAT THE PROPOSAL WILL: 1) Result in a significant encroachment (as defined by 23 CFR 650.105) and/or 2) is inconsistent with existing watershed and floodplain management programs, thereby resulting in incompatible flood plain development, the Floodplain Risk Assessment shall include a discussion of alternatives, based on the Location Hydraulic Report, and the local agency must prepare an **ONLY PRACTICABLE ALTERNATIVE FINDING** (in accordance with 23 CFR 650A, Section 650.113 and LPM Vol III, Appendix J, page 7, Section VI).
- ☐ Coordination with FEMA under the four (4) conditions stated above.
- ☐ In order for the project to be eligible for Federal Funding, FHWA must find that the proposed significant encroachment is the only practicable alternative.
- ☐ MITIGATION

The report must discuss the mitigation measures to minimize floodplain impacts and the measures to restore and preserve the natural and beneficial floodplain values that are impacted.

Note: FHWA is responsible for making the floodplain finding. This is not a finding that is delegated to any other agency. Therefore, FHWA must evaluate any action which involves a floodplain encroachment.

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**DRAFT SECTION 4(F) EVALUATION
OR
DOCUMENTATION WITH REQUEST FOR CE APPROVAL -
"COMPLETE AND SUFFICIENT" REVIEW CHECKLIST**

THE EVALUATION contains the following:

- ☐ Description of the Project
- ☐ Detailed Map
- ☐ Section 4(f) Property
 - ☐ Size
 - ☐ Location
 - ☐ Map
 - ☐ Exhibit
 - ☐ Type
 - ☐ Publicly Owned Park
 - ☐ Publicly Owned Recreation Area
 - ☐ Publicly Owned Wildlife and Waterfowl Refuge
 - ☐ Land from a Historic Site
 - ☐ Available Activities
 - ☐ Description and location of all existing and planned facilities
 - ☐ Usage (approx. number of users)
 - ☐ Relationship to other similarly used lands in the vicinity
 - ☐ Access (pedestrian/vehicular)
 - ☐ Ownership (City/County/State/Federal)
 - ☐ Applicable Clauses Affecting Title (Covenants/Restrictions/Conditions)
 - ☐ Unusual Characteristics affecting Values of Portions of Area
- ☐ Impacts on Section 4(f) Property
 - ☐ Map (showing amount of 4(f) property to be used by the Project)
 - ☐ Probable Environmental Impacts of Alternative Locations
 - ☐ Design Considerations
- ☐ Consideration of Feasible and Prudent Alternatives (that Avoid Section 4(f) lands)
 - ☐ Reasons are very convincing and compelling
- ☐ Mitigation Measures that Minimize Harm
- ☐ Correspondence from agency having jurisdiction
- ☐ Information demonstrating how project meets conditions of the following Programmatic Section 4(f) Evaluations:
 - ☐ 1 - Bikeways and Walkways
 - ☐ 2 - Historic Bridge
 - ☐ 3 - Minor Use of Parkland
 - ☐ 4 - Minor Use of Historic Properties, or
- ☐ Information demonstrating how project meets conditions of the Interim Guidance on Transportation Enhancement Activities Program

ENVIRONMENTAL DOCUMENT:

- ☐ When a Programmatic Section 4(f) Evaluation is appropriate for a Categorical Exclusion (CE) there is no "Draft Section 4(f) Evaluation." The basis for determining that the specific Programmatic Section 4(f) Evaluation is applicable is provided in documentation that is submitted with the request for approval of the CE. If needed, the FHWA may review the documentation in advance at the request for CE approval.
- ☐ When Programmatic Section 4(f) Evaluation is applicable to an EA, the EA states that the project appears to meet the conditions of the appropriate Programmatic Section 4(f) and summarizes the reasons.

COVER LETTER: Consistent with any FHWA Section 4(f) applicability determinations made or to be made.

- ☐ Section 4(f) Documentation submitted before Categorical Exclusion
- ☐ Draft Section 4(f) Evaluation included as separate section in EA or Draft EIS; request for approval to circulate the EA or EIS.

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**FINAL SECTION 4(F) EVALUATION -
"COMPLETE AND SUFFICIENT" REVIEW CHECKLIST**

Final Evaluation contains:

- ☐ All information from Draft Evaluation
- ☐ Discussion of the basis for the determination that there are no feasible and prudent alternatives to the use of the Section 4(f) land
 - ☐ Unique Problems
 - ☐ Unusual Factors
 - ☐ Cost
 - ☐ Environmental Impacts
 - ☐ Community Disruption
- ☐ Clear explanation of why certain alternatives (that would not take Section 4(f) lands) have been rejected
- ☐ Discussion of all measures to minimize harm
 - ☐ Including the Section 106 Process (if applicable)
- ☐ Summary of Formal Coordination with officials with jurisdiction over the Section 4(f) property.
- ☐ Copies of all formal coordination comments received and an analysis and response to any questions raised
- ☐ Concluding statement:
There are no feasible and prudent alternatives to the use of land from the Section 4(f) property **and** the proposed action includes all possible planning to minimize harm to the Section 4(f) property resulting from such use.
- ☐ Programmatic Section 4(f)
- ☐ A Section 4(f) evaluation has been included as a separate section in the Final EIS or Final EA

ENVIRONMENTAL DOCUMENT:

Note: The Final EA updates and revises any pertinent information, and the request for a FONSI includes a request for approval of the Programmatic Section 4(f) based on the documentation contained in the Final EA.

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**HISTORIC PROPERTY SURVEY REPORT (HPSR) -
"COMPLETE AND SUFFICIENT" REVIEW CHECKLIST**

Report contains the following and is considered complete and sufficient

☐ PROJECT DESCRIPTION☐ MAPS

- ☐ Project Location
- ☐ Project Area with APE clearly delineated
- ☐ Photos
- ☐ Exhibits

☐ SURVEY METHODOLOGY

- ☐ Name(s) of Preparer/Researcher
- ☐ Qualifications
- ☐ Date of Survey
- ☐ List of Records Researched
- ☐ List of Organizations/Persons Contacted, how contacted, and their views regarding the significance of properties and/or resources
- ☐ Native American coordination (contact effort and views of Native American have been described)

☐ HISTORIC/CULTURAL RESOURCES PRESENT

- ☐ Listed in National Register
- ☐ Eligible for Listing in National Register
- ☐ State or Locally Significant, or
- ☐ Statement that no properties were identified that meet National Register Criteria

☐ HISTORICAL AND PREHISTORICAL BACKGROUND☐ APPENDICES

- ☐ Detailed Investigation Reports are attached
- ☐ Architectural Inventory/Evaluation Forms for buildings and structures, (for each property appearing to meet National Register Criteria or that is over 50 years old) are attached.

NOTES:

- ☐ The report does NOT discuss resources outside the APE unless there is a good reason.
- ☐ Project will result in "no effect" -- HPSR and Effect combined into one document
- ☐ Local agency is aware that prior to circulating to the public, any text or maps that disclose the location of the sites shall be removed prior to circulation.

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**APPROPRIATE INVENTORY / EVALUATION FORMS -
"COMPLETE AND SUFFICIENT" REVIEW CHECKLIST**

- ☐ Each property, appearing to meet the National Register Criteria, has been written up in a separate section.
- ☐ PROPERTY NAME
- ☐ LOCATION
- ☐ CLASSIFICATION
 - ☐ District
 - ☐ Site
 - ☐ Building
 - ☐ Structure
 - ☐ Object
- ☐ OWNERSHIP
- ☐ REPRESENTATION IN OTHER SURVEYS
- ☐ DESCRIPTION AND DEGREE TO WHICH IT HAS RETAINED ITS HISTORIC CHARACTER
 - ☐ Property
 - ☐ Site
 - ☐ Districts
- ☐ INTEGRITY
- ☐ SIGNIFICANCE
- ☐ BIBLIOGRAPHY
- ☐ GEOGRAPHICAL DATA and MAP
 - ☐ Acreage is given (if appropriate)
- ☐ PHOTOGRAPHS
- ☐ RECOMMENDATION
 - ☐ Report lists specific criteria for property's eligibility
 - ☐ Report makes a recommendation of eligibility and indicates whether or not the property is eligible for listing in the National Register
 - ☐ Report states why the property is or is not eligible

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**REQUEST FOR DETERMINATION OF EFFECT -
"COMPLETE AND SUFFICIENT" REVIEW CHECKLIST**

Request contains/describes:

☐ PROJECT DESCRIPTION☐ HISTORIC PROPERTY DESCRIPTIONS (Limited to properties that are located within the APE; each property has been written up separately)

- | | |
|--|------------------------------------|
| <input type="checkbox"/> Historic | <input type="checkbox"/> Structure |
| <input type="checkbox"/> Architectural | <input type="checkbox"/> Building |
| <input type="checkbox"/> Archaeological | <input type="checkbox"/> Site |
| <input type="checkbox"/> District | <input type="checkbox"/> Object |
| <input type="checkbox"/> Location (Property Boundary) | |
| <input type="checkbox"/> Current Use | |
| <input type="checkbox"/> Significant Characteristics Of Property | |
| <input type="checkbox"/> Property is on the National Register | |
| <input type="checkbox"/> Property is eligible for the National Register | |
| <input type="checkbox"/> Prehistoric Archaeological Site - Request discusses type/duration of activities, carried out, information site has yielded. | |
| <input type="checkbox"/> Historic Architectural Structure - Request discusses excellence of craftsmanship, detailing and setting. | |
| <input type="checkbox"/> Historic Architectural District - Request discusses individual | |

buildings and their relationship to each other and the area around them.

☐ DETERMINE EFFECT

- ☐ Request clearly indicates that the determination of effect was made in accordance with criteria set forth in 36 CFR 800.9 or in accordance with LPM Vol 3, Appendix F, page 32.
- ☐ Request clearly indicates whether the project will have "no effect," "no adverse effect," or "an adverse effect."

☐ PHOTOS☐ MAP (that depicts the location of all National Register properties and their boundaries relative to the project and project APE)☐ PROJECT IMPACTS (Adequately Described)

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**BIOLOGICAL ASSESSMENT FOR SECTION 7 -
"COMPLETE AND SUFFICIENT" REVIEW CHECKLIST**☐ PROJECT DESCRIPTION

Report describes project and alternatives

☐ SUMMARY OF FINDINGS AND RECOMMENDATIONS☐ FIELD SURVEY

- ☐ Report indicates survey was performed during the appropriate time of year
- ☐ Report provides surveyor's name and qualifications/experience
- ☐ Report provides surveyor's telephone number

☐ BACKGROUND INFORMATION FOR THOSE SPECIES OF CONCERN WHICH THE LOCAL AGENCY HAS IDENTIFIED AS POTENTIALLY OCCURRING ON THE PROJECT SITE. Report summarizes (possibly in tabular form) the following information derived from CNDDDB, CNPS, FWS, NMFS:

- ☐ Species Name
- ☐ Legal Status
- ☐ Known Range
- ☐ Habitat Requirements

☐ RESULTS OF THE COMPREHENSIVE SURVEY OF THE AREA

Report contains a brief description of the environmental setting:

- ☐ Topography
- ☐ Climate
- ☐ Vegetation/Wildlife/Plant Communities/Assemblages
- ☐ Habitat Types or Unique Environmental Features (vernal pools, serpentine soils, rock outcrops, etc.)

☐ VEGETATION WITHIN THE SURVEY AREA

Report contains a brief description of:

- ☐ Vegetation Types/Plant Communities/Species Assemblages
- ☐ Water Regime
- ☐ Sun Exposure
- ☐ Degree of Disturbance

☐ WILDLIFE SPECIES DEPENDENT UPON THE SURVEY AREA☐ SPECIES OF CONCERN WITHIN THE PROJECT SITE

- ☐ Exact Location
- ☐ Significance of project related impacts on this species and on the population as a whole

☐ SPECIES LIST LESS THAN 2 YEARS OLD☐ ALL SPECIES IDENTIFIED BY USFWS and NMFS HAVE BEEN ADDRESSED☐ SURVEY DOESN'T NEED UPDATING DUE TO PASSAGE OF TIME OR
ADDITIONAL SPECIES IDENTIFIED BY FWS OR NMFS.☐ FIELD METHODS☐ SIGNED BY BIOLOGIST☐ MAPS☐ REFERENCES☐ LIST OF ALL PLANT AND ANIMAL SPECIES OBSERVED IN FIELD

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**WETLANDS REPORT -
"COMPLETE AND SUFFICIENT" REVIEW CHECKLIST**☐ **METHODOLOGY**

- ☐ Survey was undertaken by an experienced biologist
- ☐ Survey was undertaken during the appropriate time of year (Feb/Mar/Apr)
- ☐ Delineation of wetland boundaries is based on 33 CFR 323.2(c)

☐ **MAP/EXHIBIT**

- ☐ Report contains an exhibit (map) displaying the project alternatives relative to the wetlands.

☐ **WETLAND VALUES/SIGNIFICANCE**

- ☐ Report describes the function of the wetland and assesses wetland values and significance

☐ **EVALUATION**

- ☐ Report answers the following questions and concludes whether or not the project would result in a MINIMAL impact to wetlands:

- ☐ 1. Will there be more than 1 acre of wetland impacts?
- ☐ 2. Is the wetland used by migratory waterfowl?
- ☐ 3. Does the wetland provide habitat for federally listed, proposed, or candidate threatened or endangered species?
- ☐ 4. Is the wetland used by anadromous fish?
- ☐ 5. Is the wetland especially important for water quality, recreation, ground water recharge/discharge or wildlife habitat?
- ☐ 6. Is the wetland highly sensitive or unique in the area?

- ☐ All answers are "no" -- No further wetland evaluation or documentation is necessary.

or

- ☐ Report indicates a "yes" answer to question #'s: _____ -- the following additional information is also provided:

- ☐ **DESCRIPTION OF THE EFFECTS OF PROJECT ON WETLANDS** (Short and long term effects and net loss)

- ☐ **ANALYSIS OF ALTERNATIVES TO AVOID WETLANDS**

- ☐ **LIST OF FEASIBLE MITIGATION** (Standard construction methods, i.e., steep as possible cut and fill slopes, replacement wetlands, construction protection methods, i.e., scheduling--construction during dry season, ESAs).

- ☐ **CORRESPONDENCE** (Correspondence, to and from the U.S. Fish and Wildlife Service, EPA, National Marine Fisheries Service, the California Department of Fish and Game and the U.S. Army Corps of Engineers is attached to the Technical Report).

- ☐ The formal "Wetlands Only Practicable Alternative Finding" prepared in accordance with LPM, Vol 3, Appendix H, Section VI, is attached (as a separate exhibit) to the environmental document (CE, EA, EIS).

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**FLOODPLAIN REPORT -
"COMPLETE AND SUFFICIENT" REVIEW CHECKLIST**

- ☐ PROJECT DESCRIPTION
 - ☐ Report describes project and alternatives
- ☐ METHODOLOGY
 - ☐ A Location Hydraulic Study was undertaken and a copy is attached.
 - ☐ The report is based on the Location Hydraulic Study
- ☐ MAP/EXHIBIT
 - ☐ Report contains exhibits and maps displaying the project alternatives, floodplains and floodways (and compares the no project 100-year floodplain to the proposed project 100-year floodplain if significant change).
- ☐ DISCUSSION OF IMPACTS/RISKS
 - ☐ Report discusses project alternatives and their encroachment
 - ☐ Report discusses significant potential for flood-related property loss or hazard to human life
 - ☐ Report discusses the significant adverse impacts on natural and beneficial floodplain values
 - ☐ Report discusses the significant potential for interruption or termination of communities, only evacuation route or facility needed for emergency vehicles
 - ☐ Report discusses the project's consistency with community floodplain development plan
- ☐ DISCUSSION OF MITIGATION
 - ☐ Report discusses measures to minimize floodplain impacts
 - ☐ Report discusses measures to restore and preserve the natural and beneficial floodplain values that are impacts
- ☐ CONCLUSION
 - ☐ Report indicates whether or not the preferred alternative encourages or supports substantial incompatible floodplain development or requires a commitment to a particular structure size or type
- ☐ REPORT DISCUSSES THE PRACTICABILITY OF ALTERNATIVES TO ANY LONGITUDINAL ENCROACHMENTS
- ☐ ONLY PRACTICABLE ALTERNATIVE FINDING
 - ☐ Report contains a written finding that the encroachment is the only practicable alternative
 - ☐ The finding is supported by:
 - ☐ Reasons why the proposed action must be located in the floodplain.
 - ☐ A discussion of alternatives considered and their practicability.
 - ☐ A statement indicating whether the action conforms to applicable state or local floodplain protection standards.
- ☐ ENVIRONMENTAL DOCUMENT (Categorical Exclusion, Environmental Assessment, Environmental Impact Statement)
 - ☐ A statement regarding floodplain assessment is included in the appropriate environmental document and a copy of the technical report is attached.
 - ☐ A statement regarding coordination with FEMA must also be included in the appropriate environmental document and technical report regarding the following four (4) conditions:
 - ☐ 1. A proposed crossing encroaches on a regulatory floodway and, as such, would require an amendment to the floodway map. (See Federal-aid Policy Guide, December 7, 1994, for definition of "floodway," 23 CFR 658)
 - ☐ 2. A proposed crossing encroaches on a floodplain where a detailed study has been performed but no floodway designated, and the maximum 1 foot increase in the base flood elevation would be exceeded.
 - ☐ 3. A local community is expected to enter into the regular program within a responsible period and detailed floodplain studies are underway.
 - ☐ 4. A local community is participating in the emergency program and base flood elevation in the vicinity of insurable buildings is increased by more than 1 foot. (Where insurable buildings are not affected, it is sufficient to notify FEMA of changes to base flood elevations as a result of highway construction.)

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